

Law Enforcement RECORDS MANAGEMENT GUIDE

Fifth Edition



Law Enforcement RECORDS MANAGEMENT GUIDE



Produced by California Commission on Peace Officer Standards and Training (POST)
Management Counseling, Leadership Development Bureau

Foreword by

Robert A. Stresak
POST Executive Director

Law Enforcement Records Management Guide

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A law enforcement records management system is a valuable source of relevant information essential to the investigative, arrest, and judicial processes. The failure to manage the records function can affect the successful prosecution of criminal violators, resulting in liability or a loss of public confidence.

The purpose of the POST *Law Enforcement Records Management Guide* is to provide standardized guidelines for the management of the law enforcement records function, detailing best practices for the receipt, storage, and disposition of records maintained by the agency.

Effective policies and procedures must be established to efficiently manage the law enforcement records function. Agencies should use the information contained in this guide to create or amend policies and procedures to ensure the integrity of the records process.

The Commission on Peace Officer Standards and Training intends this guide to serve as a comprehensive resource to aid records staff, supervisors, managers, and executives in understanding the critical role of the records function to the agency, the criminal justice system, and the community. To ensure its relevance, this guide will be maintained as a living document subject to annual review.

The Commission appreciates the contributions of an ad-hoc advisory committee of records personnel from law enforcement agencies throughout California.

Comments or questions related to information contained in this guide should be directed to the Management Counseling, Leadership Development Bureau at 916 227-4800.

Robert A. Stresak

Executive Director

RELEVANCE OF THE LAW ENFORCEMENT RECORDS FUNCTION

The POST *Law Enforcement Records Management Guide* was developed as a resource for law enforcement agencies and personnel, noting best practices and providing standardized guidelines for the various aspects of the law enforcement records function.

NAVIGATING THE GUIDE

This guide is divided into eight chapters:

1. Organizational Considerations
2. Primary Report System
3. Secondary Processes
4. Confidentiality and Release of Information
5. Statistical Reporting
6. Records Retention, Purging, and Destruction
7. Automation of Records
8. Audits

Each chapter begins with a purpose, introducing the chapter material and supporting its relevance. The chapter purpose is followed by POST guidelines, based on California and federal law and national best practices. (For more information on national best practices, refer to the Commission on Accreditation for Law Enforcement Agencies, Inc. [CALEA] standards.)

The guidelines were created to standardize the processes and security related to the records function. Following each guideline is an in-depth commentary further explaining and supporting the specified guideline criteria.

The guide includes a glossary, Web resources, and legal references relating to the law enforcement records function. These appendices have been provided as an additional reference for records personnel, and agency supervisors and managers, to assist in policy development and legal compliance.

INCORPORATING THE GUIDE INTO AGENCY DIRECTIVES TO MEET BEST PRACTICES

The guidelines and supporting commentary contained in this guide are provided for use as a framework to assist agencies in the development of written directives to document and standardize the processes related to the law enforcement records function. The written directives should incorporate contemporary law enforcement best practices pertaining to the law enforcement records function.

Although a number of guidelines are driven by statute, none of the guidelines are subject to POST compliance or regulation. POST recommends that agencies desiring to be in compliance with California statutes and national best practices in the law enforcement records function adhere to these guidelines in their entirety. If an agency is unable to adhere to a particular guideline, or portion of a guideline, due to fiscal or facility limitations, the agency should consider including any unmet best practice guidelines into a strategic plan which allows the agency to track this unmet goal and objective until the agency can bring itself into accordance with the guideline or guideline portion in question.

Agency heads are ultimately responsible for all records maintained in their facilities and must make executive decisions to standardize processes, ensure legal compliance, and minimize risk. Comprehensive written directives, standardized practices, and heightened security can fortify an agency's position if the agency must defend its records management function while reducing agency exposure to unwanted scrutiny and liability. To assist in policy development and standardization, POST has provided this guide for use as a resource toward facilitating the overall management of an efficient and effective records function.

Agencies are encouraged to annually review their directives for relevance, and secure the necessary initial and ongoing training for records staff, supervisors, and managers. In addition, agencies should stay current on evolving trends, and keep abreast of legal and regulatory issues related to the law enforcement records function.

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PURPOSE

An agency relies on its Records Manager, Records Supervisor, and Records Technicians to correctly maintain security and control in the Records Unit. Each agency has responsibility for the receipt, accuracy, retention, management, release, and disposal of law enforcement records. Proper management, an adequate budget, and initial and ongoing training will enhance the efficiency and knowledge of records personnel.

This chapter addresses:

- 1.1 Organizational Structure
- 1.2 Personnel Assignment and Training
- 1.3 Staff Call-out Procedure and Hours of Operation
- 1.4 Emergency and Disaster Preparedness/Personnel Communications/Duress Alarms
- 1.5 Budget Allocation
- 1.6 Policy and Procedure Development

GUIDELINE 1.1**Organizational Structure**

Create or amend a written directive outlining the organizational structure of the records function to include, at a minimum, the following:

- A clearly defined chain-of-command
- A formal organizational chart

Commentary

The directive should clearly delineate the chain-of-command, from the department head to the Records Technician. The directive should include an organizational chart showing the reporting relationship and responsibilities of the records function within the organization.

GUIDELINE 1.2**Personnel Assignment and Training**

Create or amend a written directive addressing personnel assigned to the records function to include, at a minimum, the following:

- Identifying the Records Manager by position
- Identifying the Records Manager position as a specialized, mid-management position
- Outlining the desired qualifications, applicable certifications, skills, and duties of the Records Manager, Records Supervisor, and Records Technician
- Identifying an initial and ongoing training plan for all personnel assigned to the records function to ensure they remain abreast of best practices, current laws, and regulations

Commentary

Because the records function is critical to law enforcement, personnel assigned to this function should be clearly designated by job classification. These are technical, specialized positions requiring an extensive knowledge of federal, state, and local laws and regulations. It is recommended the Records Manager be a specialized, mid-management position.

To ensure integrity and security, a background investigation must be completed on all personnel assigned to the records function.

To better manage agency risk and reduce liability, all Records Technicians should complete the POST Basic Records course. All Records Managers/Supervisors should complete the POST Basic Records course, Records Supervisor course, and the Public Records Act course. To ensure records personnel remain abreast of best practices and current laws, POST encourages Records Managers/Supervisors to participate in continuing education and training through organizations such as the California Law Enforcement Association of Records Supervisors ([CLEARs](#)), California CLETS Users Group ([CCUG](#)), California Criminal Justice Warrant Services Association ([CCJWSA](#)), California Division of the International Association for Identification (IAI), and the California Department of Justice Business Managers Alliance.

POST encourages networking with regional and county agencies (e.g., local law enforcement agencies, district attorneys, courts, city attorneys, and county counsels) to make consistent inter-agency policies, forms, and procedures, to facilitate communication, and to ensure court compliance. This networking provides a legal basis and a framework for managing the records function in law enforcement agencies.

The POST Records Supervisor Certificate is available to Records Managers/Supervisors who meet the necessary requirements. Further information is available on the POST website at www.post.ca.gov.

GUIDELINE 1.3
Staff Call-out Procedure
and Hours of Operation

Create or amend a written directive outlining Records Unit staff call-out procedures and hours of operation to include, at a minimum, the following:

- Establishing a call-out procedure and process for emergency access to the Records Unit during times when authorized personnel are not available, during non-business hours (e.g., nights, holidays, and weekends), or any time emergency access is needed
- Establishing/publishing public hours of operation
- Establishing regular internal hours of operation

Commentary

A call-out procedure should be established for the Records Manager/Supervisor and Records Technicians to enhance after-hours access. It is important to identify qualified alternate personnel to provide limited emergency access to the Records Unit. A protocol for emergency access and monitored entry should be created when records personnel are unavailable.

The California Public Records Act ([GC 6253](#)) requires public hours of operation to be established. It is recommended the records function be closed to the public one hour of the work day to allow uninterrupted time for the processing of documents.

GUIDELINE 1.4
Emergency and Disaster Preparedness/Personnel Communications/Duress Alarms

Create or amend a written directive outlining the procedures to ensure the continuation of the records function in the event of an emergency to include, at a minimum, the following:

- Incorporating emergency response procedures into the directive (e.g., response of fire personnel, paramedics, or hazardous materials specialists)
- Identifying an appropriate alternate records storage facility
- Identifying circumstances necessitating the Records Unit evacuation (e.g., fire, flood, earthquake, hazardous material spill)
- Identifying actions necessary for the removal, security, transportation, and relocation of records and personnel in the event of an evacuation
- Ensuring records personnel are supplied with radios and/or personal duress alarms in order to contact/alert Communications Unit staff and supervisors in the event of an emergency

Commentary

The directive should include identification of a temporary alternate site to be used if records must be moved from the existing facility. The organization's policy and/or emergency plan should designate an alternate records site which includes ample room and security to accommodate the records function for an extended period of time. A tracking system should be in place to ensure all records are accounted for during removal, transportation, and relocation. Security measures should be considered during the transport to alternate sites.

To enhance the safety of records personnel as well as provide immediate notification during emergency situations, records personnel should have radio/phone contact with a 24/7 communications center. Records personnel should be equipped with personal duress alarms or accompanied by appropriate staff (sworn/armed personnel) when providing service to the public (e.g., Live Scan, records review, etc.).

GUIDELINE 1.5
Budget Allocation

The records function should be supported by a stand-alone, line-item budget.

Commentary

Because the records function is a critical part of any law enforcement organization, it must be fully funded to meet the needs of the organization and the community. The organization's budget should identify the records function separately from other functions/units, with a stand-alone, line-item budget. The Records Manager/Supervisor should have input into the budget considerations regarding the records function.

GUIDELINE 1.6
Policy and Procedure Development

Create or amend a written directive establishing a manual outlining the agency policies and procedures regarding the law enforcement records function to include, at a minimum, the following:

Structure

- a. General supervision
- b. Duties and responsibilities of the Records Manager/Supervisor

- c. Job descriptions
- d. Specialized training
- e. Access and security of Records Unit
- f. Hours of operation

Records Overview

- a. Records storage
- b. Records tracking
- c. Records forms
- d. Records audits and inspections

Receipt, Storage, Sealing, Retention, and Purge/Destruction

- a. Chain of custody
- b. Submission of reports prior to end of officer shift
- c. Receipt of records
- d. Report intake/right of refusal and refusal procedure
- e. Storage of records
- f. Access and security of records (hard-copy and computerized)
- g. Records viewing
- h. Data entry
- i. Records sealing
- j. Retention requirements/records retention schedule
- k. Purge/destruction guidelines/procedures

Records Release

- a. Disposition guidelines/procedures
- b. Court orders/subpoenas
- c. Procedures for duplication of records (e.g., discovery requests)
- d. Guidelines for the release of records to the public
- e. Public/personal safety during records release

Incorporate into policy the requirement for an annual review of all agency policies and procedures related to the records function.

Commentary

Comprehensive records policy and procedure manuals ensure consistency in the process of managing the records function and allow the organization to comply with all associated statutes and best practices.

These manuals should provide standards for the training of newly appointed records personnel and identify the responsibilities of staff regarding the various records functions. Compliance with this guideline can limit agency liability.

PURPOSE

This chapter provides guidance on the primary report system. “Primary report system,” as used in this manual, begins with a call for service and ends with a decision to destroy/purge or retain specific documents.

The primary report system in a law enforcement agency is the source of the most significant information an agency can generate and maintain. This one system provides a broad base of data from which an agency can gauge its performance at the most basic level.

This chapter addresses:

- 2.1 Elements of Primary Report System
- 2.2 Access to Records
- 2.3 Report Distribution Process
- 2.4 Report Numbering System
- 2.5 Records Maintained in Specialized Units
- 2.6 Forms Control

GUIDELINE 2.1**Elements of Primary Report System**

Create or amend a written directive establishing procedures to ensure all of the elements of the primary report system are addressed to include, at a minimum, the following:

- Initial data recording
- Types of reports (case file reports and incident reports)
- Preparation of reports
- Report review, approval, and correction process
- Report indexing
- Report distribution
- Complaint processing
- Filing
- Purging/destruction

Commentary

A straightforward primary report system is a simple system, one requiring a minimum number of report forms. Agencies should standardize and formalize the processing of reports with written procedures. Management awareness of the interdependence of the system's components and staff requirements is a critical element of the efficiency of the system.

System objectives should be clearly defined. In addition, a review mechanism is necessary to assure compliance with changing legal requirements.

Initial Data Recording

Most calls for service are initiated through telephone or radio communications. Both are routinely recorded in most agencies and constitute an agency's first record of the event. These calls are the starting point for the primary report system. Initial data, whether the result of a call for service or employee-initiated activity, should be recorded in a structured format using a unique numbering system (e.g., CAD event number and/or report number) to assure relevant and uniform data is collected.

Types of Reports

Not all calls for service or employee-initiated activities require a written report. Two types of reports are recommended: case file reports and incident reports.

Case file reports are those formal, numbered, operational reports which must be prepared to meet legal or internal agency requirements. They are reports of crimes, suspected crimes, traffic accidents, or other incidents. Case file reports are subject to retrieval. They describe the incident and surrounding circumstances and summarize the activities and observations of responding officers.

The case file report should include the following documents related to the event:

- Crime report
- Property/evidence report
- Arrest/booking report
- Supplementary reports
- Supporting documents

Incident reports record all events, whether or not follow-up action is necessary. Each agency should establish procedures which specify circumstances under which the incident report is to be used in lieu of a case file report.

Preparation of Reports

The primary purpose of a report is to record and transmit information. An effective report preparation system will ensure:

- Prompt completion and review of reports
- Complete and concise reports
- Accuracy of information
- Minimal processing costs
- Timely availability of information

To achieve these results, an agency must identify the key factors affecting report preparation, including:

- Personnel time: Costs associated with a report written more than once
- Document handling: The number of times a report must be transferred between the writer, reviewer, and records personnel
- Availability of information: The additional time required for report processing
- Quality of information: The accuracy of information

Report Review, Approval, and Correction Process

Reports must be reviewed and approved by the submitting officer's supervisor prior to submission to records. When the report is received in records and additional information is needed for processing or corrections are necessary, the report should be returned to the approving supervisor with a request for assistance.

Report Indexing

Accurate and rapid information retrieval is essential to an efficient records management system. The indexing process is vital to efficient retrieval. Best practices dictate the most efficient means of locating records is by a master index. The master index should contain the names of individuals involved in incidents, cross-referenced to the report number.

Report Distribution

Report distribution is a series of activities to disseminate information to the proper sources. Many of these activities are mandated by law, while others are subject to local practices.

The directive should specify which types of reports should be routed to the various specialized functions or organizational components for follow-up, and those to be distributed outside the agency. These types of reports can include:

Department of Justice

- PC [11107](#) identifies the reports local agencies are required to send to the California Department of Justice (DOJ).

NOTE: As of the writing of this manual, DOJ is no longer accepting any of these reports.

California Highway Patrol

- VC [20008](#) identifies the traffic accident reports which must be sent to the California Highway Patrol.

Court Liaison Officer/District Attorney

- Copies of reports involving an arrest must be sent to the district attorney for complaint preparation.
- The handling of reports in the preparation of complaints and warrants is a matter to be established by the concerned agencies.

Other agencies

- The reporting officer may request a copy of a report to be sent to another agency.
- Release of the report must comply with agency report release policy (see [Chapter 4](#), Confidentiality and Release of Information).

Other federal and state distribution reports include: (see [Chapter 3](#), Secondary Processes)

- Federal Bureau of Investigation (FBI): Bomb incidents, bank robberies, kidnappings
- Treasury Department, Secret Service: Counterfeiting
- Department of Motor Vehicles: Admin per se
- Alcoholic Beverage Control: Alcohol-related incidents
- Child Protective Services: Child abuse
- Adult Protective Services: Elder abuse
- Local Schools: Employee arrests, on-campus incidents
- State Board of Control: Victim Witness Program; California Constitution, Article I, Section 28(b) – [Marsy’s Law](#)

Complaint Processing

Complaint processing is the preparation of documents necessary to file a complaint in a court of law. For further reference, including definition, wording, procedure, and requirements, see PC [691](#), [806](#), [859](#), [949-952](#), [957-959](#), and [988](#).

Filing

See Guideline 2.2, below.

Purging/Destruction

Refer to [Chapter 6](#), Records Retention, Purging, and Destruction, for detailed information on record purging and destruction.

GUIDELINE 2.2
Access to Records

Create or amend a written directive addressing access to records to include, at a minimum, the following:

- Individuals authorized access to the restricted Records Unit
- Process for controlling access to the restricted Records Unit
- Procedures to identify all files and their contents
- Method used to file and retrieve documents

Commentary

To ensure security and integrity, agencies need a written directive explaining access to records. Access to the restricted Records Unit must be limited to essential records personnel only. A log should be maintained by the Records Manager/Supervisor noting all non-assigned personnel who have been granted access to records (electronic or paper) and the reason for access. Non-assigned personnel should not be in the Records Unit

without escort by the Records Manager/Supervisor or Records Technician. Electronically stored data should have security/audit tracking of document viewing/printing as a component of the records system. The agency head or designee should issue, track, and recover any keys or key cards to the restricted area if access is revoked or in the event of records personnel changes.

Hard-copy reports should be centralized, conveniently located, and arranged for easy retrieval. Only records personnel should have access to the files. Reports, after they are submitted to the Records Unit for processing, must not be removed from the records work area by non-records staff. Records personnel who are authorized to remove a hard-copy report from the files should place an out-card in the file identifying the report and where it can be located. Reports should not be maintained at individual work stations.

In electronic records systems, security settings should be established to allow only authorized personnel access to review, edit, and print reports to maintain an audit trail.

GUIDELINE 2.3**Report Distribution Process**

Create or amend a written directive establishing procedures for a report distribution process to include, at a minimum, the following:

- Number of copies sent/needed
- Timeliness of distribution
- Quality of reproduction process
- Time required to prepare report copies
- Additions/deletions from standard distribution lists
- Annual audit of the report distribution process

Commentary

A formalized report distribution process ensures consistency and adherence to applicable laws and regulations (see [Chapter 4](#), Confidentiality and Release of Information).

The agency should conduct an annual review of the report distribution process to maintain effectiveness.

GUIDELINE 2.4**Report Numbering System**

Create or amend a written directive establishing a report numbering system to include, at a minimum, the following:

- Provisions for the assignment of a unique number to every report
- Process to ensure no numbers are omitted or duplicated
- Identification of any events (e.g., traffic citations) that do not require a report number

Commentary

A single numbering series should be used for all reports documented by the agency, including traffic collisions, crime reports, and miscellaneous non-criminal reports. The most straightforward report numbering system consists of the last two digits of the current year and a sequential number (e.g., 14-0001, 14-0002) or the entire year and a sequential number (e.g., 2014-0001, 2014-0002). All documents relating to a single event should have this uniform number.

The numbering system should be designed in such a manner that all cases receive a number, no numbers are omitted, and no numbers are duplicated. Best practices dictate the agency establish a monthly review process to ensure accountability.

Some activities, such as the issuance of traffic citations, need not be recorded as numbered cases; the citation form itself serves as the report.

GUIDELINE 2.5
Records Maintained in Specialized Units

Create or amend a written directive specifying those records to be maintained in agency specialized units. The directive should address, at a minimum, the following:

- Case files on active cases
- Intelligence records (e.g., vice, drug, organized crime)

Commentary

The written directive should specify the types of records and the retention schedules for records maintained in specialized units. For example, criminal investigators should maintain case files on active cases being investigated, to be transferred to the Records Unit when the investigation is complete. Intelligence, vice, drug, and organized crime control units may be permitted to maintain records independently for additional security and control.

GUIDELINE 2.6
Forms Control

Create or amend a written directive establishing a forms control process to include, at a minimum, the following:

- Identification of a Forms Control Custodian
- Procedure for creating/revising forms
- Utilization of state and local forms
- Automated forms management

Commentary

A forms control process is designed to ensure uniformity and compliance with state laws, local ordinances, and department policy; and to prevent the creation and use of unauthorized forms.

Identification of a Forms Control Custodian

A written directive should identify and specify the responsibilities of a Forms Control Custodian, which should minimally include establishing uniformity, compliance, training, and removal of obsolete forms.

Procedure for Creating/Revising Forms

A written directive should establish a schedule for the regular review of agency forms to ensure the most up-to-date information is being captured in compliance with state statutes, department policy, and records management system (RMS) vendor updates. The form number and creation/revision date should be displayed on all forms.

Utilization of State and Local Forms

Required state forms may be found on state websites (e.g., California Law Enforcement Website [[CLEW](#)], the [California Courts](#), and the California Department of Motor Vehicles [[DMV](#)]).

[CLEW](#), maintained by the California Department of Justice, requires user registration to obtain access to forms. Although any agency staff member may register with [CLEW](#), it is particularly important the Forms Control Custodian has access to receive updates as they occur.

Local forms (e.g., Juvenile Contact Report) include those developed by an agency or a local jurisdiction.

Automated Forms Management

Not all forms will be in hard-copy format. Forms can be completed in electronic format, such as PDF or Word templates. The Forms Control Custodian should work with designated personnel in charge of form content to ensure consistency, uniformity, and compliance with state statutes, local ordinances, and agency policy.

PURPOSE

This chapter provides guidance on secondary processes used in the law enforcement records function.

This chapter addresses:

- 3.1 Alcoholic Beverage Control Notification
- 3.2 Child Abuse Reporting
- 3.3 Citations
- 3.4 Coroner Records
- 3.5 Detention Certificates
- 3.6 Disposition of Arrest and Court Action (Adult and Juvenile)
- 3.7 Elder and Dependent Adult Abuse
- 3.8 Firearms
- 3.9 Field Interview Cards
- 3.10 Fingerprints
- 3.11 Inmate Records
- 3.12 Missing Persons
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- 3.16 Registrant Files
- 3.17 Secondhand Dealer and Pawnbroker Licensing and Reporting
- 3.18 Special Incident Reporting Forms for Bombs/Incendiary Devices/Explosives
- 3.19 Subpoenas
- 3.20 Restraining Orders
- 3.21 Vehicles
- 3.22 Warrant Processing

GUIDELINE 3.1**Alcoholic Beverage Control Notification**

Create or amend a written directive establishing a process for providing notification to the Department of Alcoholic Beverage Control (ABC), within 10 days, of the following:

- Arrests for any violation of state, city, or county laws occurring on an ABC-licensed premise, or an immediately adjacent area under the control of the licensee
- Arrest of a licensee occurring on or off the licensed premises, or of any person for illegal sale, manufacture, or possession of alcoholic beverages

Commentary

BP [24202](#) requires mandatory notification of arrests to the Department of Alcoholic Beverage Control (ABC) by all state and local law enforcement agencies.

Legislation currently encourages law enforcement to track and compile additional statistics of drug and alcohol involvement in any type of incident. Collection of this information is especially important if an agency is considering new forms, RMS upgrade, or new Computer-Aided Dispatch (CAD) system technology. ABC can provide information on how this additional information can affect planning, licensing, and law enforcement patrol enforcement.

GUIDELINE 3.2**Child Abuse Reporting**

Create or amend a written directive detailing procedures for child abuse reporting to include, at a minimum, the following:

- Reporting requirements
- Reporting instructions

Commentary

PC [11165.6](#) defines child abuse as a physical injury which is inflicted by other than accidental means on a child (a person under the age of 18 years) by another person. It means the sexual abuse of a child or any act or omission proscribed by PC [273a](#) or [273d](#), and the neglect of a child or abuse in out-of-home care as defined in PC [11165.5](#).

Applicable code sections include, but are not limited to, [PC 261](#), [261.4](#), [261\(d\)](#), [261.5](#), [264.1](#), [273a](#), [273d](#), [285](#), [286](#), [288](#), [288\(a\)](#), [289](#), [647\(a\)](#), and [647.6](#).

Reporting Requirements

California Department of Justice Information Bulletin 11-10-BCIA, found on [CLEW](#), contains additional information regarding reporting requirements.

Reporting Instructions

The Department of Justice requires child abuse to be reported on form SS 8583, "Child Abuse Investigation Report." This form is available on [CLEW](#).

GUIDELINE 3.3
Citations

Create or amend a written directive detailing procedures for processing citations to include, at a minimum, the following:

- Types of citations
- Transmittal of citations to court
- Citation processing
- Parking citations
- Voiding moving/parking citations

Commentary

Although the California Judicial Council has defined the basic format for the “Notice to Appear,” there are local options in citation forms. All current citation formats are available in the California Courts publication, *Notice to Appear and Related Forms*.

When using automated systems, entering citation information provides crime analysis data and allows citations to be readily available.

Types of Citations

On a monthly basis, most agencies analyze the number and type of citations written by field personnel. The most common citation categories are Hazardous, Non-Hazardous, Parking, Non-traffic Misdemeanor, and Other. An agency may use other categories. Citation data is used for both operational and administrative decision making.

A copy of each citation should be filed in the Records Unit according to the retention schedule.

There are a variety of filing methods for citations. In determining the best method, it is necessary to know how the citations are accessed.

The two most common reasons for retrieving a citation are:

- The defendant lost the citation and needs information.
- An officer has received a subpoena and needs a copy of the citation. The subpoena may not include the citation number, but will include the defendant’s name.

Transmittal of Citations to Court

Citations sent directly to court should be transmitted daily. The agency’s copy of the citation should be a sufficient record of the transmittal to court.

Citation Processing

- Marijuana Citations: Marijuana citations are issued as an infraction for possession of less than one ounce of marijuana. Per HS 11361.5, these citations must be destroyed after a specific retention period (see [Chapter 6](#), Records Retention, Purging, and Destruction).
- Other Misdemeanor Citations: Some counties permit minor misdemeanor citations to be directly transmitted to court. Others require a report to supplement the information on the citation. Consult with the district attorney to establish local policy. File a copy of the citation with the report. The agency copy of the citation can be filed in the citation file.

- **Vehicle Code:** Vehicle Code offenses involving moving citations are processed through the local court system. Contact the court clerk for processing information.
- **Juvenile Citations:** Juvenile misdemeanor citations usually are sent to Juvenile Probation with a copy of the offense report. A copy of the citation is attached to the original offense report. If using an automated RMS system, the citation may be entered into the citation section of the system prior to being filed in the citation file. Some agencies utilize a Juvenile Diversion Program where they handle the juvenile citation in-house. Check your local court procedures for further information on juvenile traffic citations.
- **Notice of Correction Citations:** In many instances, the driver will correct the deficiency and return to the law enforcement agency to have the violation “signed-off” on the driver’s copy. This may be done by an officer or other authorized employee. In addition, pursuant to GC 26746.1, the agency may charge a fee to cover this service. The courts may impose an additional fee. The agency copy of the citation can be filed in the citation file.
- **Citation Amendments:** If an error is found on a citation, a Judicial Council form TR100, Notice of Correction and Proof of Service, is completed with the correct information and a copy is mailed to the defendant. A copy is sent to the court and the agency keeps a copy, which is filed with the citation.

Each agency must establish a policy for indicating “booking required” pursuant to PC 853.6(g) when issuing a citation for recordable offenses (e.g., PC 488, 240, 415, etc.).

An amendment was added to PC 853.6 to better ensure misdemeanor defendants are fingerprinted for recordable offenses. The amendment provides that the peace officer may book the arrested person prior to release, or indicate on the citation that the arrested person shall appear at the arresting agency to be booked or fingerprinted prior to court. If the citation indicates the arrested person is to be booked or fingerprinted, the court is required to order the defendant to provide verification of the booking before the proceedings begin.

If no verification is provided, the court may require verification at the next court appearance. The arresting agency is required to provide verification to the arrested party at the time of booking or fingerprinting.

Parking Citations

Parking citations are administrative citations which are not submitted to court.

A person may request an initial review of the citation by the issuing agency. The issuing agency or the processing agency shall communicate the results of the initial review to the person contesting the notice. If a person is not satisfied with the results of the investigation, the next step in the process is to request an administrative review.

Voiding Moving/Parking Citations

VC 40202(a) contains specific language which will allow a law enforcement agency to cancel a citation after it has been written.

VC 40202(a)(c) and GC 6200 admonish law enforcement personnel of the illegality of altering a citation before it is filed with the processing agency.

GUIDELINE 3.4
Coroner Records

Create or amend a written directive detailing procedures addressing coroner records to include, at a minimum, the following:

- Where to maintain coroner records (separate from law enforcement records)
- Which records become public records and when
- Which records are not public records

Commentary

Coroner records are defined as those documents which record the investigation into the manner and cause(s) of death.

Although there is no state standard, a Sheriff-Coroner agency should file coroner records within their coroner function and not within the law enforcement Records Unit in order to avoid a possible conflict of interest. Coroner records should be maintained in coroner report number order. The subject's name can be included in the agency's master index file, cross-referenced to the coroner report number.

After the death certificate has been finalized, the four records listed below become public information and copies can be obtained at a cost which should be established by ordinance.

- Toxicology report
- Autopsy report
- Coroner's report
- Death certificate (authorized persons only per HS [103526](#))

Additional records may be generated during a coroner investigation.

The following records are NOT public:

- Law enforcement reports, unless determined by the law enforcement agency to be public information under GC [6254\(f\)](#) or appropriate local "sunshine ordinance"
- Criminal history records which are obtained after the submission of fingerprints to DOJ
- Photographs of the deceased pursuant to CP [129](#)

Photographs may be used in a criminal action or proceeding which relates to the death of that person. A court order may be issued after good cause has been shown and written notification of the court order has been served upon the district attorney.

Any report(s) can be withheld by order of the district attorney, depending on the status of the investigation. Records personnel should check with the district attorney's office and/or the homicide detective prior to releasing information during an open criminal action or proceeding.

GUIDELINE 3.5
Detention Certificates

Create or amend a written directive detailing procedures for processing detention certificates to include, at a minimum, the following:

- When to issue detention certificates
- Detention when no accusatory pleading is filed
- DOJ notification of detention only

Commentary

Pursuant to PC 851.6(a), when a person is arrested and released pursuant to paragraphs (1) or (3) of PC 849(b), the person shall be issued a certificate, signed by the releasing officer or his/her superior, describing the action as a detention.

In a case where a person was arrested and released, and no accusatory pleading was filed, the person shall be issued a certificate by the law enforcement agency which arrested him/her describing the action as a detention. The law enforcement agency will be notified of the filing rejection upon return of the Disposition of Arrest and Court Action (JUS 8715) from the prosecuting attorney.

The form and content of the detention certificate shall be prescribed by the Attorney General. See CLEW for the most updated forms.

The law enforcement agency must update its records and notify DOJ so any record of the action shall refer to it as a “detention,” not an arrest (refer to PC 851.6(d)).

GUIDELINE 3.6
Disposition of Arrest and Court Action (Adult and Juvenile)

Create or amend a written directive detailing procedures for processing adult and juvenile disposition reporting forms to include, at a minimum, the following:

- When to initiate form
- Required information reporting
- Include form with case documentation
- Submit form to Department of Justice within 30 days of disposition

Commentary

The Disposition of Arrest and Court Action form (JUS 8715) and the Juvenile Detention Disposition Report form (JUS 8716) are used to report the disposition of an arrest, warrant arrest, indictment, and/or subsequent action(s) to the Department of Justice for each offense. This form must be included with the case documentation and stay with the case as it proceeds through the criminal justice system from point of arrest to final adjudication.

Initial Procedures

The arresting agency is responsible for initiating and reporting all information in Section A (Law Enforcement Information) on the JUS 8715 and JUS 8716 forms (or electronic equivalent) for all arrests involving recordable offenses. The arrest information must be the same as that submitted via Live Scan, fingerprint record, or as indicated on the citation.

The form must be included with the case documentation when it is submitted to the prosecutor or the court. This includes:

- Citations
- On-view arrests
- In-county and out-of-county warrant arrests
- In-county and out-of-county bench warrant arrests

Even when the defendant is not fingerprinted for a recordable offense, a JUS [8715](#) or JUS [8716](#) form must be initiated. Although the arrest and disposition data will not be entered on the criminal history record, the information will be used by the Bureau of Criminal Information & Analysis/Law Enforcement Information Center (LEIC).

The JUS [8715](#) or JUS [8716](#) form must be submitted to the Department of Justice within 30 days after disposition pursuant to PC [11115](#) and [13151](#), to the address shown on the back of the form.

Forms may be ordered from DOJ by FAX using the JUS [8715/8715A](#) Forms Request, or via [CLEW](#). The Department of Justice can provide forms to be completed manually, or forms which feed through automated printers.

The *Arrest and Disposition Instruction Manual* is available on [CLEW](#) (Publications – Manuals, Guides, Codes, and Tables). The DOJ Field Operations Unit, Arrest and Disposition Training Unit, provides training on the proper completion of the form.

GUIDELINE 3.7
Elder and Dependent Adult Abuse

Create or amend a written directive detailing procedures for processing elder and dependent adult abuse forms to include, at a minimum, collecting the following information:

- Name of person making the report
- Name and age of the elder or dependent adult
- Present location of the elder or dependent adult
- Names and addresses of family members or any other person responsible for the elder or dependent adult's care, if known
- Nature and extent of the elder or dependent adult's condition
- Date of incident
- Any other information as requested by the agency receiving the report (WI [15630\(e\)](#))

Commentary

WI [15610.27](#) defines "elder," WI [15610.23](#) defines "dependent adult," and WI [15610.07](#) defines "abuse."

Reporting Requirements

WI [15630\(a\)](#) requires certain professional occupations, including law enforcement agencies, to report cases of elder and dependent adult abuse to designated authorities.

When reporting elder and dependent adult abuse, WI [15630\(b\)\(1\)](#) requires the mandated reporter to report the known or suspected abuse by telephone immediately, or as soon as practically possible, and in writing within two working days. A report is required for each incident and each victim.

Suspected elder or dependent adult abuse is reported on form [SOC341](#), Report of Suspected Dependent Adult/Elder Abuse. This form can be obtained from the county adult protective services agency.

GUIDELINE 3.8
Firearms

Create or amend a written directive detailing procedures for entering firearms information into the CLETS (AFS) system to include, at a minimum, the following:

- Circumstances necessitating CLETS (AFS) entry
- Staff responsible for entry

Commentary

If a weapon is confiscated by law enforcement for any reason, it must be entered in the California Law Enforcement Telecommunications System (CLETS). This information can be entered by records or dispatch personnel at agency discretion. For entry instructions, see the CJIS/CLETS manuals available on [CLEW](#).

For more detailed information on firearms and the laws governing them, see the [POST Law Enforcement Evidence & Property Management Guide](#).

GUIDELINE 3.9
Field Interview Cards

Create or amend a written directive detailing procedures for processing field interview cards to include, at a minimum, the following:

- Filing of hard-copy field interview cards
- Access to hard-copy field interview cards
- Retention/destruction of field interview cards

Commentary

A field interview (FI) card is used to record suspicious or unusual circumstances, persons, vehicles, or events. The primary purpose of an FI card is to document activity in a particular location at a specific time. The agency's legal advisors should be consulted regarding the retention of juvenile information and photographs obtained as part of a field interview.

Filing of Hard-Copy Field Interview Cards

Hard-copy FI cards should be filed chronologically, with the most recent cards in the front of the file. As new cards are filed, the older cards should be moved to the rear of the file, still in chronological order. Alphabetical filing defeats the chronological reference use of the cards.

The date, time, and location of the field interview should be placed on the top line of each FI card. This facilitates filing and retrieval of the card.

Access to Hard-Copy Field Interview Cards

If an agency uses manual indexing and processing, the FI card files should be maintained in the Records Unit. Records staff can keep the file current and assist with searches and the retrieval of information.

Automated record systems simplify the processing of FI cards. The cards do not need to be retained in the Records Unit after data entry as the information from the cards is available to all authorized users electronically. This allows the card to be maintained by investigation and crime analysis personnel for use in relation to gang tracking and special investigations.

Retention

FI cards should be maintained in the file until destroyed per the agency record retention schedule.

GUIDELINE 3.10 **Fingerprints**

Create or amend a written directive detailing procedures for processing fingerprints to include, at a minimum, the following:

- Criminal fingerprints
- Applicant fingerprints
- Registrant fingerprints

Commentary

Law enforcement agencies use fingerprints to identify subjects of criminal investigations, and for licensing, certification, employment, and general identification purposes.

Legal Mandates

PC [13150](#) requires the reporting agency, for each arrest, to report to the Department of Justice the applicable identification and arrest data described in PC [13125](#). This requirement includes fingerprints, Disposition of Arrest and Court Action (JUS [8715](#)), and the Monthly Arrest and Citation Register (JUS [750](#)).

California Identification System (Cal-ID)

The California Identification System (Cal-ID) is a statewide, multi-database system which allows local law enforcement agencies to have varying levels of access for ten-print and latent print identification purposes.

Cal-ID comprises four (4) individual databases:

- Automated Fingerprint Identification System (AFIS): This system comprises a high-speed computer system that digitizes, stores, and compares fingerprint data and images.
- Automated Latent Print System (ALPS): This system consists of minutiae fingerprint data of specified felony-level offenders and is used for conducting searches of latent prints from crime scenes or physical evidence.
- Latent Database (LDB): This database consists of minutiae data of latent prints searched against the ALPS database and not identified. New offenders who are registered to the ALPS database are automatically searched against this unsolved latent file to identify first-time arrestees for offenses committed prior to their arrest.
- Digital Image Retrieval System (DIRS): This system consists of side-by-side images of all fingers registered to the AFIS or ALPS databases and latents registered to the LDB.

There are various services in the Cal-ID system. Refer to *Guidelines for Submitting Applicant Live Scan Transactions* and *Guidelines for Submitting Criminal Live Scan Transactions*, available on [CLEW](#), for further information.

The California Department of Justice is a member of the Western States Information Network (WSIN). WSIN is a group of Western states which have incorporated to share a vendor-maintained database.

Live Scan

Live Scan devices electronically capture fingerprint images and arrest data at the point of booking. Live Scan eliminates the use of ink in fingerprinting and allows an operator to print as many copies as necessary after completing the booking.

Live Scan fingerprinting is used for three types of printing: (1) adult criminal, (2) juvenile criminal, and (3) applicants.

Criminal Fingerprints

Arrest fingerprints must be submitted to the DOJ Bureau of Criminal Identification and Information (BCII) to establish a criminal record within DOJ. To add an arrest entry to an existing criminal record, fingerprint impressions must be submitted to DOJ. This is required by DOJ for each arrest made to ensure positive identification can be made.

Offenses include:

- On-view arrest
- Warrant arrest
- Supplemental and/or additional arrest
- Court-ordered booking or book and release
- Commitment prints (California Department of Corrections and Rehabilitation [CDCR], local law enforcement agencies)
- Deceased prints submitted by the coroner pursuant to PC [11109](#)
- Probation department prints when the subject has no prior criminal record within DOJ, or to register a probation or diversion notice

Accompanying arrest dispositions ([JUS 8715](#) manual forms or automated format) must be created and submitted to DOJ to eventually complete the arrest cycle on the Record of Arrest and Prosecution (rap sheet).

Fingerprints may be submitted to BCII on subjects for identification purposes only which have "Question of Identity" or "For Inquiry Only" indicated in the charge area. Fingerprints will be searched through BCII records. Results will be returned to the submitting agency.

DOJ requires agencies to submit fingerprints and dispositions on all arrests involving juveniles. Dispositions should always be noted. If a disposition is not listed, the charge information will not be released. Sample dispositions include:

- Petition requested
- Release to parent
- Release to parent/petition requested

- Counseled and released (including police probation)
- PC [849](#), [849\(B\)](#), or [849\(B\)\(1\)](#)
- Non-detained petition
- Detained petition
- Juvenile Hall

Applicant Fingerprints

BCII provides edited summary criminal history information for employment, licensing, and certification purposes (PC [11105](#)). Records personnel should refer to the DOJ Live Scan Manual, available on [CLEW](#), for information on submitting requests, forms to be used, fees, level of service, and other pertinent information. DOJ now offers an applicant expedite service for an additional fee.

All requests for criminal history information must be submitted via Live Scan.

DOJ provides a “subsequent arrest notification service” to all law enforcement and contracting agencies on employees. Pursuant to PC [11105.2\(c\)](#), [\(d\)](#), [\(e\)](#) and [\(f\)](#), a “no longer interested” form must be completed and mailed to DOJ on a subject previously fingerprinted for employment, licensing, or certification. This form is found in the DOJ *Applicant Fingerprint Clearance Manual* available on [CLEW](#).

Registrant Fingerprints

Certain persons are required to register pursuant to PC [290](#) (sex offenders), [186.30](#) (gang offenders), and [457.1](#) (arson offenders), and HS [11590](#) (drug offenders). The agency having jurisdiction over the subject’s place of residence is responsible for the registration process. Registrations require fingerprints to be submitted to the DOJ Registration Unit.

Fingerprint Cards

Criminal Fingerprint Cards (FD-[249](#)) can be ordered from the FBI. There is no fee for the cards. Include the agency’s name, mailing address, and NCIC ORI number in the order.

Federal Bureau of Investigation
 Logistical Support Unit (LSU), CJIS Division
 1000 Custer Hollow Road
 Clarksburg, WV 26306

Phone: 304 625-2000; Fax: 304 625-3984

GUIDELINE 3.11 **Inmate Records**

Create or amend a written directive establishing procedures for the maintenance of inmate records in accordance with state laws and regulations to include, at a minimum, the following:

- Record classification
- Information to be maintained

Commentary

Local detention facilities must maintain certain inmate records, depending upon the record's classification. PC 6030 authorizes the State Board of Corrections to enforce regulations for local detention facilities.

The California Code of Regulations, Title 15, Chapter 1, Subchapter 4, section 1041 describes what information must be maintained in regards to inmate records. Sections 3260-3379 can provide further information on inmate records. More information is available at: <http://www.sdsheriff.net/jailinfo/title15.pdf>.

GUIDELINE 3.12
Missing Persons

Create or amend a written directive establishing procedures for missing person reports to include, at a minimum, the following:

- Reporting/time requirements
- Transmitting reports to California DOJ and NCIC
- When the missing person is a child under the age of 18
- When the missing person is an adult
- Transmitting reports to other jurisdictions

Commentary

PC 14200 - 14213, the Missing Person Reporting Law, assigns responsibility for this subject area to the DOJ Missing/Unidentified Persons Unit.

Reporting Requirements

Police or sheriffs' departments must:

- Accept any report of a missing person, as defined by PC 14213(a), without delay, regardless of jurisdiction
- Accept any report of a runaway without delay
- Accept reports of missing persons by telephone
- Assign priority to missing person reports over non-emergency property crimes
- Make an immediate assessment of steps to locate based on type of missing person case, defined in PC 14213(a), and indications that victim might be at risk, PC 14213(b)
- Broadcast a "be-on-the-lookout" bulletin (BOLO) without delay within your jurisdiction if the child is under 16 years of age or a person of any age considered "at risk"

The California Highway Patrol

- May accept reports of missing persons/runaways
- Must immediately advise the person making the report of the name and phone number of the agency having jurisdiction over the missing person's residence and the location where the missing person was last seen

- Must submit a report to the Attorney General’s Office within four hours after accepting a missing person report on subjects under 16 years of age or if there is evidence a person is at risk

Transmitting Reports to California DOJ and the National Crime Information Center (NCIC)

Law enforcement agencies taking the initial report must submit the report to DOJ through the California Justice Information System (CJIS) Missing/Unidentified Persons System (MUPS).

PC [14205](#) requires all missing children to be entered in NCIC. Entry of a missing person into the “MUPS” system will automatically generate an entry into the NCIC Missing Persons System.

EDC [49068.6](#) requires law enforcement to notify the school in which the missing child is enrolled. The school shall “flag” a missing child’s record and immediately notify law enforcement of an inquiry or request for the missing child’s records.

Agencies must enter a missing person record into MUPS, even if the missing person is found before the entry is made. In such a case, the agency should enter the missing person record and immediately remove it (i.e., clear the record).

PC [14205](#) and [14206](#) define a uniform standard on how agencies should be handling these cases. Federal law (42 USC [16901](#) [Adam Walsh Protection Act], [5779](#), and [5780](#)) require each federal, state, and local law enforcement agency to report, within two hours, each case of a missing child under the age of 21 to NCIC.

When the Missing Person is a Child Under the Age of 18

- The law enforcement agency must provide the reporting party with DOJ form SS 8567, “Authorization to Release Dental/Skeletal X-rays, Photograph, and Description Information,” which authorizes release of these records.
- The law enforcement agency must submit the report to DOJ within four hours after accepting the report using the CJIS/CLETS System (MUPS).
- The law enforcement agency may execute a written declaration authorizing the release of dental/skeletal X-rays if the missing child has no next-of-kin, or if none can be located.
- If the child is missing at least 14 days, the release form (SS 8567) must immediately be executed to obtain dental/skeletal X-rays and a photograph. The agency must immediately confer with the coroner or medical examiner. The report, photograph, and the dental/skeletal X-rays must be submitted to DOJ within 24 hours.
- If the agency determines the missing child may be “at risk,” dental/skeletal X-rays and a recent photograph should be immediately obtained. The agency must confer with the coroner or medical examiner. The report and the dental/skeletal X-rays, including a signed DOJ Release Form (SS-8567), must be submitted to DOJ within 24 hours.
- If a child is still missing after 30 days, the reporting individual is required to obtain the dental records and give them, within ten days, to the law enforcement agency which took the initial report.

- If a child is still missing after 45 days, the agency should confer with the coroner or medical examiner and immediately send the report, dental/skeletal X-rays, and photograph, including a signed release form (SS 8567), to DOJ.
- If a missing child is found, a law enforcement agency must report this fact to DOJ within 24 hours.

DOJ forms can be located on [CLEW](#).

When the Missing Person is an Adult

- The agency should have the individual making the missing person report fill out DOJ Form SS 8567, "Authorization to Release Dental/Skeletal X-rays, Photograph, and Description Information."
- The law enforcement agency must submit the report to DOJ within four hours after accepting the report if the missing person is at risk, using the CJIS/CLETS System (MUPS).
- If the person is still missing after 30 days, the individual making the report should submit the dental records within ten days to the law enforcement agency.
- If the missing person has no next-of-kin, or if none can be located, a law enforcement agency may execute a written declaration authorizing the release of the dental records.
- If the person is still missing after 45 days, the agency should confer with the coroner or medical examiner and send the report and dental records to DOJ.
- All missing adults who are found must be reported to DOJ immediately.

Transmitting Reports to Other Jurisdictions

In cases where a report is initially taken by an agency which is not the agency of jurisdiction over the missing person's residence, the law enforcement agency taking the initial report must notify and forward without delay a copy of the report to that agency having jurisdiction over the missing person's residence and where the missing person was last seen. In cases involving children or persons at risk, this cross-reporting must be accomplished within 24 hours of initial receipt of the report.

A Reference Chart for MUPS can be viewed on [CLEW](#). For additional information, refer to the [*POST Missing Persons Investigations, Guidelines & Curriculum*](#) publication.

GUIDELINE 3.13 **Photographs**

Create or amend a written directive establishing procedures for processing, storing, and distributing photographs to include, at a minimum, the following:

- Prisoner photographs (e.g., booking photos, mug shots)
- Crime scene photographs
- Registrant and applicant photographs
- Accident photographs
- Photograph copies

Commentary

The Records Unit may be required to process, store, and distribute numerous photographs (e.g., agency personnel, registrants, applicants, booking photos, and crime scene images).

Prisoner Photographs

Prisoner photographs (e.g., booking photographs, mug shots), whether hard-copy or digital, are considered confidential records pursuant to PC [13300](#). Other photographs may be protected from release as well.

Crime Scene Photographs

Detailed procedures for photographing crime scenes are beyond the scope of this manual. Crime scene photographs should be protected like evidence. Refer to the [POST Law Enforcement Evidence & Property Management Guide](#) for information on the retention of evidence.

Registrant and Applicant Photographs

Sex and arson registrant photographs must be forwarded to DOJ with required documents.

Other applicant photographs are frequently required for specialized city and county licenses and permits. These photographs should be attached to the original report or related documents and filed in the appropriate location (e.g., registrant or applicant file).

Accident Photographs

Most agencies have some type of digital system to store accident photos. Accident photos should be printed only upon request and following payment of fees (if applicable). Accident photos must be retained in accordance with the agency record retention schedule. Release of photos depicting the body or any portion of the body of a deceased person may be restricted under CP [129](#).

Copies

A fee schedule should be established for reproducing photographs, whether digital or film-based. Tracking documentation should ultimately be kept with the original case report in the master case file.

GUIDELINE 3.14 **Property**

Create or amend a written directive establishing procedures for the processing of property-related documents by records personnel to include, at a minimum, the following:

- Serialized property
- Property disposition

Commentary

The proper storage, safekeeping, and disposal of evidence and property require the cooperation of the Records and Property units. This commentary discusses those functions which are most often dependent upon Records Unit operations. Refer to the [POST Law Enforcement Evidence & Property Management Guide](#) for detailed guidelines on the law enforcement evidence/property function.

Property Reports

All property taken into custody must immediately be properly accounted for on an appropriate property receipt. A copy of the property receipt must be forwarded to the Records Unit for inclusion in the case file.

Serialized Property

PC 11108 requires law enforcement agencies to enter descriptions of serialized property which has been reported stolen, lost, found, recovered, or under observation, into the appropriate DOJ database. Instructions are listed in the CJIS Manual, available on [CLEW](#). The *Article/Brand and Category User's Guide* is also available on [CLEW](#).

Property Disposition

The Property Unit is responsible for the control, release, and disposal of evidence and property. A DOJ form JUS 8715 (Notice of Arrest and Court Action) is the most common means of notifying an agency when prosecution is concluded and evidence is eligible for release or disposal. The Records Unit typically receives the form. The form must be filed with the report and the Investigations or Property Unit notified to begin the disposition process.

GUIDELINE 3.15
Record Sealing

Create or amend a written directive establishing procedures for the sealing of adult and juvenile records to include, at a minimum, the following:

- Storage
- Destruction
- Compliance with legal mandates

Commentary

The court has the authority to seal arrest records under specific conditions. The Records Unit is responsible for processing requests to seal records. This section will discuss records sealing involving juveniles and adults.

Record sealing is a process designed to remove all reference to an individual from agency files. Generally, the process is incident-specific (i.e., the records and references to a specific incident or arrest are sealed). Multiple records for one subject, unrelated to the court order, are usually unaffected by the sealing. In the case of juvenile records, however, the court may order the entire record and reference to the juvenile sealed.

Upon receiving a court order to seal a record, appropriate notification must be made to every division within the agency to ensure all records pertaining to that subject are appropriately sealed.

Record sealing is the collection of permanent records in a “package” ordered sealed by the court. This may be accomplished by removing specific references to the individual.

Sealed records which must be held for destruction should be segregated from other records, and the petitioner’s name and the date of destruction written on the envelope.

Legal Mandates

Sealing of records is mandated under certain conditions by PC 851.6, 851.7, and 851.8, and WI 781 and 781.5.

Juveniles

WI 781.5 (ward of the court) permits the involved person or a probation officer to petition the court to seal a record five years or more after the jurisdiction of the juvenile court has terminated as to the person; or in a case in which no petition was filed, five years or more after the juvenile was cited to appear before the probation officer or cited by the law enforcement agency or; in any case, at any time after the person has reached the age of 18. The court notifies the district attorney and the county probation officer who may testify why a record should not be sealed. If the sealing is granted, the court shall order the agency to seal its record and state the date to destroy the sealed record. Thereafter, only the court may inspect the sealed record or allow the record to be inspected.

PC 851.7(a) allows any person who was arrested as a juvenile for a misdemeanor to petition the court to have a record sealed. The individual must have been:

- Released per PC 849(b)(1),
- Released with charges dismissed or discharged without conviction, or
- Acquitted

The records of arrest for the following offenses cannot be sealed under PC 851.7:

- Offenses for which registration is required under PC 290
- Offenses under Division 10 (commencing with HS 11000)
- Offenses of the Vehicle Code or any local vehicle ordinance relating to the operation, stopping, standing, or parking of a vehicle

Adults

PC 851.8 permits a person who has been arrested, but where no accusatory pleading has been filed, to petition the arresting agency to destroy the record of the arrest.

The arresting agency, upon a determination the person arrested is factually innocent and with the concurrence of the district attorney, shall seal the arrest records, including the petition, for a period of three years from the date of arrest and thereafter destroy the record of arrest and the notice of sealing. DOJ and any other agency participating in the arrest shall be notified to comply with the same procedure. Any agency receiving a copy of the arrest record shall be notified to destroy the record.

The district attorney is served by the petitioner with a copy of the petition to seal the records. If the law enforcement agency does not respond to the petition within 60 days, the petition is deemed to have been denied. The requestor may then petition the justice or municipal court of jurisdiction to decide the petition.

PC 851.8(c) permits a person who has been arrested and an accusation was filed, but there was no conviction, to petition the court for a finding of factual innocence. If the court determines factual innocence, it will order the record sealed.

An arrestee shall be notified in writing by the law enforcement agency of the sealing and destruction of the record. This notice may be accomplished by returning the approved or denied petition to the individual. If reference is made to the arrest in any other report, the notation, "exonerated" shall be made on the arrestee's name or the name shall be obliterated.

No records shall be destroyed under the above section if any arrestee has filed a civil action against a peace officer or law enforcement agency, or if the agency of record has received a certified copy of the complaint, until the civil action has been resolved.

For arrests occurring on or after January 1, 1981, and for accusatory pleadings filed on or after January 1, 1981, petitions under PC 851.8 may be filed up to two years from the date of the arrest, or filing of the accusatory pleading, whichever is later. Time restrictions on filing under this section may be waived upon a showing of good cause by the petitioner.

Forms and the DOJ *Records Sealing Manual* are available on [CLEW](#).

GUIDELINE 3.16
Registrant Files

Create or amend a written directive establishing procedures for processing registrant files to include, at a minimum, the following:

- Sex offender registration
- Juvenile sex offender registration
- Arson offender registration
- Narcotic offender registration
- Gang registrants
- Notice of registration requirement

Commentary

Persons convicted of specific sex, arson, narcotic, or gang-related offenses are required to register with the law enforcement agency having jurisdiction over their residence.

Registrant fingerprints are submitted to DOJ via the Live Scan system and the information is entered into the California Sex and Arson Registry (CSAR). Refer to *Guidelines for Submitted Live Scan Sex and Arson Registration Procedures*, published by DOJ and available on CLEW, for full explanations of forms, information requirements, and procedures.

Sex Offender Registration

An offender must register if:

- Convicted of an attempt to commit any of the offenses listed in PC 290, or
- Determined by the court to be a mentally disordered sex offender, or
- Convicted in any other state, federal, military, or foreign court of any offense which, if committed or attempted in California, would have been punishable as one of the above offenses

The Offender:

- Is required to register within five (5) days of coming into a law enforcement agency's jurisdiction, and
- Must notify the last (previous) registering agency within five (5) working days when they move out of their jurisdiction, and
- If enrolled at a college or employed at a college, must register with the agency having jurisdiction over the campus

A sex offender must register for life and can only be relieved of this responsibility by obtaining a Certificate of Rehabilitation pursuant to PC [4852.01](#).

A court can require a person to register for the conviction of any offense if the court feels the crime was committed for sexual gratification or from sexual compulsion.

Registered sex offender information is now available on the websites below:

- State of California, Attorney General's Office (Megan's Law): www.ag.ca.gov
- California Law Enforcement Web: <http://clew.doj.ca.gov>

Juvenile Sex Offender Registration

A juvenile sex offender (adjudicated a ward of the court) must register if convicted of violation of PC [220](#), [261\(2\)](#), [264.1](#), [286\(b\)\(1\)\(c\)\(d\)](#), [288](#), [288a\(b\)\(1\),\(c\),\(d\)](#), [289\(a\)](#), [288.5](#), [647a](#) or [647.6](#). A juvenile is required to register for life or until his/her record is sealed under WI [781](#).

If convicted out of state of a comparable crime, they must register for life.

Any court can require a person to register for the conviction of any offense if the court feels the crime was committed for sexual gratification or from sexual compulsion.

Arson Offender Registration

PC [457.1](#) requires an arson offender to register with the agency in the jurisdiction in which the offender lives if the offender has been:

- Convicted of a violation of PC [451](#), [451\(a\)](#), [451\(b\)](#), [451\(c\)](#), [451\(d\)](#), [451\(e\)](#), [453](#), [453\(a\)](#), and/or [453\(b\)](#), or:
- Convicted of an attempt to commit any of the above offenses

The offender is required to register within 30 days of release from custody, after discharge from prison, after release from jail, or expiration of parole or probation, and remain registered for life if the arson registrant was convicted after 1994.

Juveniles register for ten years, until reaching age 25 or until the record is sealed pursuant to WI [781](#).

Registration is not required if the subject has been granted a Certificate of Rehabilitation pursuant to PC [4852.01](#).

Narcotic Offender Registration*

An offender must register if:

- Convicted of an attempt to commit any of the offenses listed in HS [11590](#), or
- Convicted of an attempt to commit any of the above offenses, or
- Convicted in any other state of any offense which, if committed or attempted in California would have been punishable as one of the above offenses, or
- Convicted in any federal court of any offense which, if committed or attempted in California, would have been punishable as one of the above offenses

An offender is required to register with the local law enforcement agency in their place of residence within 30 days of release from custody, and to remain registered for five (5) years after discharge from prison, release from jail, or expiration of parole or probation.

Registration is not required if:

- The subject has received a dismissal under PC 1203.4, or
- The misdemeanor conviction is for specific subsections of HS 11357 and/or 11360, or
- Commitment to the California Department of Corrections is ordered by the court (WI 3051)

*As of the writing of this manual, DOJ is not accepting narcotic registrations.

Gang Registrants

PC 186.30 requires individuals convicted of offenses determined to be gang-related to register with the law enforcement agency in their place of residence. Registration is required for offenders convicted in a criminal court or who have had a petition sustained in a juvenile court for an offense listed in PC 186.22, or for any crime the court finds is gang-related at the time of sentencing or disposition. Registration requirements shall terminate five (5) years after the last imposition of a registration requirement pursuant to PC 186.30.

Pursuant to PC 186.32(a), registration shall include the following:

- The registrant shall appear at the law enforcement agency. Juveniles must be accompanied by a parent or guardian.
- The law enforcement agency shall serve the registrant (and the parent, if a juvenile) with a California Street Terrorism Enforcement and Prevention Act notification, which shall include, where applicable, that the registrant belongs to a gang whose members engage in or have engaged in a pattern of criminal gang activity as described in subdivision (e) of PC 186.22.
- A written statement, signed by the registrant, giving any information which may be required, shall be submitted to the law enforcement agency.
- Fingerprints and a current photograph of the registrant shall be submitted to the law enforcement agency.

Registrants must inform, in writing, the law enforcement agency with which they last registered of a change of address within 10 days. If the new address is located in another agency's jurisdiction, the registrant shall register with the new law enforcement agency, in writing, within 10 days.

There is no requirement in the Penal Code for this local information to be sent to DOJ.

Notice of Registration Requirement

CLEW contains forms used to notify the registrants of their duty to register as a sex, arson, or narcotic offender. Their fingerprint impression and signature are required in the appropriate area, depending on the conviction offense for which they are registering.

The notice of registration document should be given to the offender to read, understand, and sign prior to their being released from custody, whether from a state correctional facility, county jail, or from court on probation (PC [290\(b\)](#) and [290\(c\)](#)). The sentencing court is responsible for completing the form if the offender receives probation or is charged with a fine. Refer to the current *Guide to Sex and Arson Registration Procedures* available on [CLEW](#).

This document is used in court when a person fails to register and it is, therefore, extremely important that it is filled out completely and correctly.

NOTE: The offender may not receive the form as prescribed above. When an offender brings this form, the law enforcement agency may assist with the completion of the process.

GUIDELINE 3.17
Secondhand Dealer and Pawnbroker Licensing and Reporting

Create or amend a written directive detailing procedures for processing Secondhand Dealer and Pawnbroker Licensing to include, at a minimum, the following:

- Determining applicant business meets the definition of a secondhand dealer or a pawnbroker under BP [21626](#) and FC [21000](#)
- Providing and accepting applications for a secondhand dealer or a pawnbroker license
- Fingerprinting the applicant(s)
- Ensuring the pawnbroker applicant files the appropriate financial statement and surety bond with the agency
- Collecting and forwarding to DOJ the appropriate application forms and fees
- Issuing or revoking a secondhand dealer license or pawnbroker license pursuant to BP [21642](#) or FC [21301](#)
- Maintaining the current license status of all secondhand dealers and pawnbrokers within their jurisdiction
- Filing and retention of documents

Commentary

City and county licensing agencies are delegated the responsibility to implement the state Secondhand Dealer and Pawnbroker (SHD/PB) licensing process into their local licensing program pursuant to BP [21641](#). Chiefs of police and county sheriffs are required to accept an application from any person, entity, or corporation desiring to be licensed as a secondhand dealer or pawnbroker within their jurisdiction. There may be the need on the part of the applicant to apply for a business license within the jurisdiction. This applies to first-time applicants and renewals.

Applicable code sections are BP [21641](#) and [21642](#), and FC [21300](#) and [21301](#).

Although police and sheriffs are statutorily obligated for the licensing of secondhand dealers and pawnbrokers, this varies from city to city and county to county. The records section of a law enforcement agency, the investigations section regulating these businesses, the police commission, the city licensing section, or any combination thereof may be involved in the licensing of secondhand dealers and pawnbrokers within a jurisdiction.

It is strongly recommended the directive incorporate the basic requirements for processing SHD/PB found under the Secondhand Dealer/PB tab on the [CLEW](#) homepage.

[CLEW](#) contains helpful documents for download, including:

- Applications which can be completed online (pdf)
- *Becoming a Secondhand Dealer or Pawnbroker Manual*
- Attorney General Opinion N.04-1001, April 6, 2005 (pdf)
- Secondhand Dealer/Pawnbroker Licensing Fee (DOJ Information Bulletin 12-04-BCIA)

GUIDELINE 3.18

Special Incident Reporting Forms for Bombs/Incendiary Devices/Explosives

Create or amend a written directive for reporting and retaining records reported to the federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to include, at a minimum, the following:

- Reporting activity through the ATF Bomb Arson Tracking System
- Purging

Commentary

Law enforcement agencies responding to bombs/incendiary devices/explosives must report their activity through the [ATF Bomb Arson Tracking System](#). This task is generally handled by bomb squads. To ensure records of this activity are purged on an appropriate basis, best practice dictates they be included on the agency's records retention schedule.

GUIDELINE 3.19

Subpoenas

Create or amend a written directive for the acceptance of and compliance with subpoenas to include, at a minimum, the following:

- Designation of the agency's Custodian of Records and designee
- Accepting service of a Subpoena Duces Tecum (SDT)
- Compliance with an SDT
- Subpoenas for officers and employees
- Fees for the production of records
- Fees for appearance
- Adherence to specific laws and procedures
- Training

Commentary

Subpoena Duces Tecum is a business process for obtaining records. Subpoenas may be for criminal or civil matters and be on different forms, such as a DMV Admin Per Se SDT or a Workers Compensation SDT.

The following code sections are applicable to the Subpoena Duces Tecum process:

- EVC [1270](#) defining government as a business
- EVC [1560](#), [1530](#), [1531](#), and [1563\(b\)\(1\)](#) regarding fees for the production of records and the validity of certified copies

- EVC [1560](#) and [1561](#) regarding compliance with a subpoena
- EVC [1040](#) and [1070](#) regarding privilege for official information
- CP [1985](#) - [1987](#) defining subpoena and affidavit
- CP [2020.10](#) - [2020.510](#) regarding nonparty discovery
- GC [6251](#) et seq., known as the “California Public Records Act,” specifically GC [6254\(f\)](#) (1) and (2)
- GC [68093](#), [68097](#), and particularly [68096.1](#), dealing with witness fees

This directive should be reviewed by the agency’s legal representative. It is recommended the designated Custodian of Records attend detailed training in this area.

GUIDELINE 3.20
Restraining Orders

Create or amend a written directive establishing procedures for entry of restraining orders to include, at a minimum, the following:

- Types of restraining orders
- Process for timely entries into CLETS
- Proof of service
- Maintenance of documents (hard copy or automated)

Commentary

There are several types of restraining orders law enforcement agencies may acquire or, in the case of an emergency, may initiate. Law enforcement agencies must enter Emergency Protective Orders into the California Restraining and Protective Order System (CARPOS) via CLETS. Some agencies serve as repositories entering orders into CLETS for other jurisdictions, such as a sheriff’s department or the court.

A written policy must contain a process for timely entries into CLETS for the original entry, proof of service, and maintenance of documents contained in files or in an automated records management system, paying close attention to the dates of validity and names.

Resources

- The *CJIS Manual*, located on [CLEW](#), contains information bulletins and directions for entering restraining order information into CARPOS.
- POST has certified training on domestic violence/restraining orders. Refer to the [POST Course Catalog](#) for presentation information.
- The California Courts Protective Order Registry ([CCPOR](#)) contains scanned copies of orders issued throughout California.
- The [POST Law Enforcement Evidence & Property Management Guide](#) contains information on the surrendering of firearms in compliance with certain restraining orders.
- The most current version of all restraining orders is available on the [California Courts](#) website.

GUIDELINE 3.21
Vehicles

Create or amend a written directive establishing the process for processing incidents involving vehicles to include, at a minimum, the following:

- Entry/update of the DOJ Stolen Vehicle System
- Notice of Stored Vehicles
- Collection of fees
- Vehicle releases
- Repossession fee
- Private property tows
- Stolen and recovered vehicles
- Training

Commentary

Local agencies have specific, detailed responsibilities to document vehicles which are stolen, embezzled, recovered, stored, impounded, towed, and abandoned. Local agencies are further responsible to notify the owner of the vehicle's status, notify other law enforcement agencies, and maintain the flow of information between the agency and places of storage. Finally, a local agency must input and update the statewide automated Stolen Vehicle System (SVS) in the CLETS database.

In most agencies, a patrol officer initiates the reports of stolen, embezzled, recovered, stored, impounded, towed, and abandoned vehicles and enters the information into the automated systems. Records may be responsible for the legal notices, follow-up paperwork, and system cancellations for specific vehicles. Records may respond to public inquiries and prepare the vehicle release authorization.

Resources

- The *CJIS Manual* (containing a chapter relating to the SVS) and the DMV Manual for CLETS are located under the publications tab on [CLEW](#).
- The following code sections are applicable to vehicles: [VC 22852](#), [22853](#), [10500](#), [10500\(a\)](#), [13106\(a\)](#), [14601.1\(c\)](#), and [14607.6](#) and PC [11108](#).

GUIDELINE 3.22
Warrant Processing

Create or amend a written directive establishing a process for processing warrants to include, at a minimum, the following:

- Receiving and recording all incoming warrants
- Identifying the location of each warrant
- Identifying the status of each warrant
- Guarding against the loss of any warrant
- Providing a record of the attempts to serve each warrant
- Showing the final disposition of each warrant
- Responding to Serna Motions
- Accepting bail

- Citing and releasing misdemeanor warrants
- Picking up and extraditing prisoners (transportation)
- Returning served/recalled warrants back to court

Commentary

Warrants are court documents. Law enforcement agencies should have a warrant policy containing an effective system to receive, process, index, and maintain the status of warrants in all law enforcement databases (e.g., CLETS/NCIC) as well as local automated warrant systems. It is strongly recommended the directive include the documentation of due diligence and clearly define roles and responsibilities with regard to who has access to original warrants and how warrants are identified as active, served, and recalled. Training should be included, as well as a process for purging warrants. Each law enforcement agency is different and may have varying degrees of automation or participate in a county-sponsored warrant repository; the directive should include these outside resources.

Resources

- *CJIS Manual*, located under the publications tab on [CLEW](#) (contains mandated requirements for warrant entry into CLETS via the Wanted Persons System module and instructions for placing the warrant in NCIC)
- California Criminal Justice Warrant Services Association www.ccjwsa.org
- PC [1050](#) (Serna v. Superior Court [1985] 40 Cal.3d 239)

CONFIDENTIALITY AND RELEASE OF INFORMATION

PURPOSE:

All records have the potential to be accessed by the public; however, agencies are bound by legal requirements to maintain confidentiality under defined circumstances. This chapter provides guidance on the confidentiality and dissemination/release of information.

This chapter addresses:

- 4.1 Confidentiality of Records
- 4.2 Access to and Release of Agency Records
- 4.3 Information Which Must be Released
- 4.4 Exemptions to the Release of Information
- 4.5 Public Records Act Response Timelines, Refusals, and Fees
- 4.6 Documenting Information Release
- 4.7 Collision Reports Release
- 4.8 Other Information Release
- 4.9 Consequences for the Unauthorized Access of Information

GUIDELINE 4.1 Confidentiality of Records

Create or amend a written directive defining the confidentiality of records in accordance with applicable law to include, at a minimum, the following:

- Compliance with California Public Records Act
- Exemptions

Commentary

The California Public Records Act (GC [6250-6270](#)) defines “public records” as “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” Based upon this definition, the report of crimes and incidents written in the daily course of business of a law enforcement agency are public records and subject to release under the Act, with certain exemptions (see [Guideline 4.4](#)).

GUIDELINE 4.2**Access to and Release of Agency Records**

Create or amend a written directive addressing access to and release of agency records to include, at a minimum, the following:

- Authorized/responsible personnel
- Access, release, and dissemination procedures

Commentary

Records personnel have many types of records within their control. Access should be limited to specific, identified individuals for a variety of reasons. Personnel releasing information must have extensive knowledge of the law which governs records release in order to make proper release decisions. In addition, records which are released must be annotated to support later release decisions and to enable information to be retrieved if the record is subsequently ordered sealed.

The agency's legal counsel should review the directive before it is enacted.

GUIDELINE 4.3**Information Which Must be Released**

Create or amend a written directive identifying information which must be released to include, at a minimum, the following:

- Calls for service
- Arrestee information
- Crime reports

Commentary

The Public Records Act requires specific information to be released unless the release would endanger the safety of a person or endanger the successful completion of an investigation. The categories of information which must be released are:

- Calls for service (General Public)
- Time, nature, and location of all complaints or requests for assistance
- Time and nature of response
- Date, time, and location of occurrence
- Date and time of report
- Victim's name and age (victims of specific abuse and sex crimes or their parents or guardians [if the victim is a minor] may request this data be withheld)
- Factual circumstances surrounding the crime or incident
- General description of any injuries, property, or weapons involved
- Arrestee information (General Public)
- Full name and occupation of every individual arrested by the agency
- Date of birth and physical description (sex, height, weight, color of eyes and hair)
- Date and time of arrest
- Location of arrest
- Factual circumstances surrounding arrest

- Date and time of booking
- Amount of bail
- All charges, including warrants and parole or probation holds
- Location where arrestee is being held
- Time and manner of release
- Crime reports (Crime Victims)
- Names and addresses of victims, arrestees, and witnesses EXCEPT confidential informants (victims of specific abuse and sex crimes or their parents or guardians [if the victim is a minor] may request this data be withheld)
- Description of any property involved
- Date, time, and location of incident
- All diagrams
- Statements of involved parties
- Statements of all witnesses EXCEPT confidential informants

Crime reports shall be released to the victim of an incident or an authorized representative thereof; an insurance carrier against which a claim has been or might be made; and any person suffering bodily injury or property damage or loss as the result of the incident caused by arson, burglary, fire, explosion, larceny, robbery, vandalism, vehicle theft, or a crime as defined by subdivisions (b) and (c) of GC [13951](#).

Law enforcement agencies are required to comply with a number of laws which either permit or require them to refuse to disclose information in their files. California Constitution, Article I, Section 28(b) ([Marsy's Law](#)) requires law enforcement agencies to provide copies of some of the otherwise protected documents to the Victim Compensation and Government Claims Board or its designated local witness centers, upon request. Compliance with this section facilitates the operation of the Victims of Crime Act, which provides reimbursement to crime victims who incur expenses as a result of crimes which result in physical injury, and sex crimes resulting in either physical or mental injury. The records provided under California Constitution, Article I, Section 28(b) ([Marsy's Law](#)) are only released in order to submit and determine a claim under the Victims of Crime Act. Any further dissemination of the information is a misdemeanor.

Documents to be released by law enforcement agencies include:

- Complete copies of the original report
- Supplemental reports regarding the incident
- The petition filed in a juvenile court proceeding

The law enforcement agency may withhold the names of witnesses and informants if the release of the names would be detrimental to the parties or to an investigation currently in progress.

GUIDELINE 4.4
Exemptions to the Release of Information

Create or amend a written directive identifying exemptions to the release and dissemination of information to include, at a minimum, the following:

- Compliance with applicable laws and regulations
- Selective disclosures

Commentary

In order to balance the individual's right to privacy with the public's need for information, certain exemptions to the release of information are specified in GC [6254](#) or interpreted by court decision.

These exemptions include:

1. Withholding disclosure of names, addresses, and identifying information of juveniles (under 18 years of age) – *Wescott v. Yuba County* (104 CAL APP 3d 103) and *T.N.G. v. San Francisco Superior Court* (4 Cal. 3d 767)

NOTE: It is recommended the definition of “juvenile” be verified with the juvenile court of the county. The exemption to release of information may pertain to all juveniles or only juveniles arrested, detained, or listed as suspects. Under *Wescott v. Yuba County*, the determination of the Appellate Court is all juveniles are under the protection of this decision. Therefore, all identifying juvenile information contained in a report is available for public release only if the County's T.N.G Order authorizes such release. The presiding juvenile court judge issues the county's T.N.G. Order.

2. Confidential informants – GC [6254\(f\)](#)
3. Criminal offender record information (CORI) – *Younger v. Berkeley City Council* (1975); PC [13300](#) and [11105](#)

NOTE: Release of CORI is based on an individual's right to know and need to know. The directive should define state and local CORI and the uses of CORI.

4. Information which may endanger the safety of a witness or other person involved in the investigation – GC [6254\(f\)](#)
5. Information which may jeopardize an investigation, related investigation, or law enforcement proceedings – GC [6254\(f\)](#)
6. Any portion of a report which reflects the analysis, recommendation, or conclusion of the investigating officer – GC [6254\(f\)](#)
7. Confidential information provided only by a confidential source – *South Coast Newspapers, Inc. v. City of Oceanside* ([1984](#))
8. Information which may disclose investigative techniques and/or procedures – *South Coast Newspapers, Inc. v. City of Oceanside* ([1984](#))
9. Information which may deprive a person of a fair trial – *South Coast Newspapers, Inc. v. City of Oceanside* ([1984](#))
10. Preliminary drafts, notes, or memoranda which are not retained in the ordinary course of business – GC [6254\(a\)](#)

11. Records pertaining to pending litigation to which the public agency is a party until litigation is adjudicated or otherwise settled – GC [6254\(b\)](#)
12. Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of privacy – GC [6254\(c\)](#)

Adult victims of any crime defined by PC [220](#), [261](#), [262](#), [264](#), [264.1](#), [273a](#), [273d](#), [273.5](#), [286](#), [288](#), [288a](#), [289](#), [293](#), [293.5](#), [422.6](#), [422.7](#), [422.75](#), or [646.9](#), or their parents or legal guardians (if the victim is a minor), may request their names be withheld in addition to address and identifying data of per GC [6254\(f\)\(2\)](#). Pursuant to PC [293](#) and [293.5](#), the officer must document that confidentiality was offered to the victim, and the victim's response.

No law enforcement officer or employee of a law enforcement agency shall disclose to any arrested person, or to any person who may be a defendant in a criminal action, the address or telephone number of any person who is a victim or witness in the alleged offense (PC [841.5](#)). The defendant may obtain necessary information through the discovery process. (This section does not affect the release of information contained in an accident report.)

GC [6254](#) (Public Records Act) does not prevent a law enforcement agency from opening its records concerning the administration of the agency to public inspection unless disclosure is otherwise prohibited by law.

The attorney for a client may obtain the address and telephone number of victims and witnesses where the client may be a defendant in a criminal action in the alleged offense.

Selective Disclosures Prohibited

Once information is released to a member of the public, it becomes a public record and cannot be withheld from the public or the news media (Black Panther Party v. Kehoe [[1974](#)]).

Government Code section [6254.5\(e\)](#) allows the release of an exempt public record to any governmental agency which agrees to treat the disclosed material as confidential.

GUIDELINE 4.5 **Public Records Act Response** **Timelines, Refusals, and** **Fees**

Create or amend a written directive addressing compliance with the California Public Records Act to include, at a minimum, the following:

- Public Records Act timelines
- Refusal to release information
- Fees

Commentary

Response Timelines

Upon receiving a request, the public agency must determine within ten (10) days whether or not the information will be provided. Notice of the decision must be made to the person requesting the record within the time limit. If "unusual circumstances," as defined in GC [6253\(c\)](#), exist, an extension of not more than 14 working days is allowed to complete the determination.

Refusals

A law enforcement agency may refuse to release information per GC [6255](#).

Fees

GC [6253\(b\)](#) permits a public agency to charge a fee to cover the direct costs of duplication of copies of non-exempted information, or a statutory fee if applicable.

GUIDELINE 4.6
Documenting Information Release

Create or amend a written directive establishing procedures for the tracking of released information to include, at a minimum, the following:

- Identifying released information
- Identifying recipient of information

Commentary

Whenever a report is released, a notation should be made on the report to identify to whom the document was released. In the event an order is received to seal the record, the agency must be able to recall the document or request the receiving agency to destroy it.

GUIDELINE 4.7
Collision Reports Release

Create or amend a written directive addressing the release of collision reports to include, at a minimum, the following:

- Identifying information to be released
- Ensuring compliance with legal mandates

Commentary

VC [20012](#) requires the entire contents of a collision report to be released to involved parties or an authorized representative thereof; an insurance carrier against which a claim has been or might be made; and any person suffering bodily injury or property damage. This includes the original report, supplemental reports, diagrams, and photographs.

GUIDELINE 4.8
Other Information Release

Create or amend a written directive addressing the release of miscellaneous information to include, at a minimum, the following:

- Activity logs: agency policy
- Personnel files: EVC [1043](#); GC [6254c](#); PC [832.7](#), [832.8](#), [13300\(k\)](#); and LC [432.7\(b\)](#)
- Background checks: CC [56](#); GC [1031.1](#); LC [432.7](#) and 1198.5; Public Law [93-380](#); 5 USC [9101](#)
- CLETS: *CLETS Policy and Procedure Manual* [1.4.7](#); GC [15153](#), [15163](#), [15165](#)
- Licensing/permitting files: GC [6254\(n\)](#)
- Registrant files: PC [290](#), [457.1](#); HS [11590](#)
- Citations: refer to Guideline [3.3](#)
- Warrants: PC [168](#)
- DMV files: VC [1808.45](#)

Commentary

Some jurisdictions have enacted ordinances requiring the broader disclosure of agency documents than those limited by the Public Records Act. Agency personnel should be familiar with agency mandates above and beyond legal requirements.

GUIDELINE 4.9
Consequences for the Unauthorized Access of Information

Create or develop a written directive indicating the consequences for the unauthorized access of information and the unauthorized dissemination thereof to include, at a minimum, the following:

- Legal sanctions
- Agency sanctions

Commentary

California law makes it a misdemeanor or felony to tamper or interfere with, damage, or illegally access a lawfully created computer data system. Access is defined as to gain entry, instruct, or communicate with the computer system or computer network.

Resources

- [PC 502](#)
- DOJ [*CLETS Policy and Procedure Manual*](#)

PURPOSE

The purpose of this section is to introduce the elements and methods of statistical reporting as they apply to law enforcement activities.

This chapter addresses:

- 5.1 Monthly Crime Reporting
- 5.2 Uniform Crime Reporting
- 5.3 Other Mandatory Statistical Reporting
- 5.4 Clery Act Reporting

GUIDELINE 5.1

Monthly Crime Reporting

Create or amend a written directive requiring the identification and maintenance of records to provide statistical information as required by the Attorney General to include, at a minimum, the following:

- Compliance with legal mandates (PC [13020](#))

Commentary

Any statistical compilations and/or analyses produced are only as reliable as the information recorded in the original source document (often a crime or other report). Effective statistical reporting and analysis provide some valuable tools which can be used to impact crime, monitor program effectiveness, assist in decision making, and provide supporting data in other areas.

The following guidelines address specific reporting requirements. Refer to [Criminal Statistics Reporting Requirements](#), published by the California Department of Justice, for additional information.

GUIDELINE 5.2

Uniform Crime Reporting

Create or amend a written directive requiring the submission of Uniform Crime Reports to the Department of Justice by the 10th business day of each month. Uniform Crime Reports include the following federal and California reports:

- Return A
- Supplement to Return A – Monthly Return of Offenses Known to Police
- Supplementary Homicide Report
- Law Enforcement Officers Killed or Assaulted (LEOKA)
- Monthly Return of Arson Offenses Known to Law Enforcement

- Number of Violent Crimes Committed Against Senior Citizens
- Monthly Report of Domestic Violence-Related Calls for Assistance
- Arson
- Hate Crimes
- Anti-Reproductive Rights Crimes (ARRC)

Commentary

Uniform Crime Reporting (UCR) is a term which reflects the standards designed to ensure criminal activity is reported uniformly nationwide. These standards are explained in detail in the *Uniform Crime Reporting Handbook*, published by the United States Federal Bureau of Investigation (FBI).

The California Department of Justice, Criminal Justice Statistics Center (CJSC), is the central collection point for all California law enforcement agencies. CJSC, in turn, submits the required information to the FBI monthly.

UCR Crime Classifications

Part I crimes are offenses which most likely will be reported to law enforcement agencies based on their seriousness and frequency of occurrence. The eight crime classifications considered to be Part I offenses which must be calculated and reported to CJSC by the 10th business day of each month for the previous month, listed by hierarchy, are:

1. Homicide
2. Rape
3. Robbery
4. Assault (simple & aggravated)
5. Burglary
6. Larceny (theft)
7. Motor Vehicle Theft
8. Arson

Based on the hierarchy rule, only the “highest” crime per incident is reported. The hierarchy rule is explained in detail in the *Uniform Crime Reporting Handbook*.

All other offenses are Part II crimes. There is no requirement to report information to CJSC or the FBI on Part II crimes; however, use of these classifications can be helpful in other statistical reporting or analysis activities. Part II classifications are:

1. Other Assaults
2. Forgery/Counterfeiting
3. Fraud
4. Embezzlement

5. Stolen Property (buy/receive/possess)
6. Vandalism
7. Weapons Violations
8. Prostitution/Commercialized Vice
9. Sex Offenses (excludes forcible rape & prostitution)
10. Drug Abuse Violations
11. Gambling
12. Offenses Against Family and Children
13. Driving Under the Influence
14. Liquor Laws
15. Drunkenness
16. Disorderly Conduct
17. Vagrancy
18. All Other Offenses
19. Suspicion (arrested for no specific offense and released without formal charges being placed)
20. Curfew/Loitering (persons under 18)
21. Runaway (persons under 18)

Reports can be submitted to CJSC using:

- Hard-copy forms
- Electronic Crime and Arrest Reporting System (E-CARS) Software
- E-CARS Plus Web application

Hard-Copy Forms

Hard-copy forms are used to collect reportable data. The completed forms can be mailed or faxed to [CJSC](#). Blank forms are available on [CLEW](#) or by contacting [CJSC](#).

E-CARS Software

The E-CARS software provides agencies the ability to collect criminal justice statistics, ensure the data are complete and correct, maintain a statistical database, and generate monthly reports in an electronic media. Using the E-CARS software or record layout specifications, agencies can download the data onto a storage medium and mail their data to DOJ, or e-mail a file using the Pretty Good Privacy (PGP) encryption software.

E-CARS Plus Web Application

The E-CARS Plus Web application provides California law enforcement agencies with an electronic means to collect, maintain, and report UCR statistics.

The E-CARS Plus Web application allows agencies to collect and report data for Homicide, Rape, Robbery, Assault, Burglary, Motor Vehicle Theft, Arson, Violent Crimes Against Senior Citizens, Domestic Violence, Law Enforcement Officers Killed or Assaulted, Anti-Reproductive-Rights Crimes, and the Monthly Arrest and Citation Register.

This application can be used by agencies with or without an RMS. For agencies utilizing an RMS, data in the proper format can be imported into E-CARS Plus. If an agency does not have an RMS, data can be entered directly into E-CARS Plus. No matter which method is used, when uploaded, the data is processed through validations to ensure it is complete and correct. Error resolution, revisions, and corrections to data are handled within this electronic environment. Users can run and print copies of submitted reports.

The full *E-CARS Plus Manual* is available on [CLEW](#).

GUIDELINE 5.3**Other Mandatory Statistical Reporting**

Create or amend a written directive establishing procedures for monthly reporting to California DOJ to include, at a minimum, the following:

- Monthly Arrest and Citation Register (MACR)
- Monthly Hate Crime Report
- Anti-Reproductive-Rights Crimes (ARRC)
- Death in Custody Report
- Juvenile Detention Report

Commentary

The Monthly Arrest and Citation Register lists names, ages, race, and highest-level offense of all arrests an agency made during the month.

The Hate Crime Report provides information related to crimes causing physical injury, emotional suffering, or property damage where there is reasonable cause to believe the crime was motivated, in whole or in part, by the victim's race, ethnicity, religion, sexual orientation, or physical or mental disability.

The Anti-Reproductive-Rights Crimes Report contains crimes committed against reproductive health services providers, assistants, clients, or facilities where these services are provided, or at a place of worship because of the church's beliefs regarding reproductive rights.

The Death in Custody Report is required in any case in which a person dies while in the custody of a law enforcement agency or local/state correctional facility.

The Juvenile Detention Report tracks data regarding the detention of minors.

All of these reporting requirements and forms are available on [CLEW](#).

GUIDELINE 5.4
Clery Act Reporting

NOTE: This guideline applies only to colleges and universities participating in federal financial aid programs. These institutions may contact local law enforcement agencies for statistical data in order to comply with Clery Act reporting requirements.

Create or amend a written directive to ensure the agency complies with reporting provisions of the Clery Act.

Commentary

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ([20 USC § 1092\(f\)](#)) is federal law, originally known as the Campus Security Act, requiring colleges and universities to disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and applies to most public and private institutions of higher education. The Act is enforced by the United States Department of Education.

The Clery Act requires colleges and universities to:

- Publish an Annual Security Report (ASR)
- Have a public crime log (institutions with a police or security department)
- Disclose crime statistics for incidents occurring on campus, in unobstructed public areas immediately adjacent to or running through the campus, and at certain non-campus facilities (including Greek housing and remote classrooms) to include:
 - Criminal homicide (murder & non-negligent manslaughter, negligent manslaughter)
 - Sex offenses (forcible, non-forcible)
 - Robbery
 - Aggravated assault
 - Burglary, where:
 - There is evidence of unlawful entry (trespass), which may be either forcible or not (unlawful entry must be of a structure having four walls, a roof, and a door)
 - There is evidence the entry was made in order to commit a felony or theft
 - Motor vehicle theft
 - Arson
- Report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):
 - Liquor law violations
 - Drug law violations
 - Illegal weapons possession

- Issue timely warnings about Clery Act crimes which pose a serious or ongoing threat to students and employees
- Devise an emergency response, notification, and testing policy
- Compile and report fire data to the federal government and publish an annual fire safety report
- Enact policies and procedures to handle reports of missing students
- Report hate crimes by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, and disability; to include statistics for the following four crime categories if the crime committed is classified as a hate crime:
 - Larceny/theft
 - Simple assault
 - Intimidation
 - Destruction/damage/vandalism of property

RECORDS RETENTION, PURGING, AND DESTRUCTION

PURPOSE

This chapter provides guidance on the retention, purging, and destruction of law enforcement records. It will provide the framework for a retention and destruction program. The retention of records required by law to be destroyed exposes agencies to potential civil liability.

This chapter addresses:

- 6.1 Records Retention
- 6.2 Destruction Resolution/Ordinance Preparation
- 6.3 Purge and Destruction of Records
- 6.4 City, County, and State Records
- 6.5 Marijuana Records Destruction

GUIDELINE 6.1 **Records Retention**

Create or amend a written directive defining records retention protocol to include, at a minimum, the following:

- Complying with legal mandates
- Complying with agency policy (e.g., records retention schedule)

Commentary

The code sections listed below should be reviewed as they specify record retention periods.

Criminal Code Sections

PC 799, 800-806, 832 (Statute of Limitations)

Civil Matters

Part 2, Code of Civil Procedure

Gang Registrations

PC 186.20 - 186.33

Sex Registrations

PC 290

Alternative Storage Media

GC 34090.5 (City agency)

GC 26205 (County agency)

GC 14756 (State agency)

GUIDELINE 6.2
**Destruction Resolution/
Ordinance Preparation**

Create or amend a written directive establishing the framework for the preparation of a destruction resolution/ordinance to include, at a minimum, the following:

- Considering the need for destruction
- Identifying specific records for destruction
- Identifying the method of record storage (electronic or hard copy)
- Complying with statute of limitations (PC [799](#), [800](#) - [806](#), [832](#))
- Requiring authorization of the agency head, city/county counsel, and governing body

Commentary

The following code sections present the framework within which a destruction resolution/ordinance must be prepared:

- GC [34090](#) - [34090.7](#) (City agency)
- GC [26205](#) - [26205.6](#) (County agency)
- GC [14755](#) - [14756](#) (State agency)

GUIDELINE 6.3
**Purge and Destruction of
Records**

Create or amend a written directive defining the process for the purge and destruction of records to include, at a minimum, the following:

- Complying with legal mandates
- Identifying types of documents for purge/destruction
- Establishing date/method of purge/destruction
- Updating agency records/databases to reflect purge/destruction

Commentary

Purging is the identification and preparation of those records to be removed from active files for destruction or retention in another medium/location. The purging process involves the following:

- Verifying records retention schedule
- Reviewing documents by document type (e.g., crime report, citation, recordings)
- Determining storage method (electronic or hard-copy records)
- Determining disposition (e.g., destruction, movement to off-site location, or electronic storage)

The agency directive should consider the following documents for purge:

- Arrest reports
- Recorded radio and telephone communications (GC [26202.6](#) and [34090.6](#))
- Crime/incident reports
- Collision reports
- Index cards/field interview cards

- Citations
- Correspondence
- Pawn slips
- Sex, arson, and drug registrations (PC 290)
- Licensing/permit files
- Repo, private property, storage, and impound files
- Citizen complaints/Pitchess documents
- Training files
- Personnel files
- Background files
- Other miscellaneous files maintained by the agency

If it has been determined the record is to be destroyed, a plan of action should be developed in compliance with the records destruction resolution/ordinance, to include:

- Destruction date by statute
- Method of destruction
- Update of appropriate databases
- Destruction/deletion of any copy of or reference to the destroyed record

GUIDELINE 6.4
City, County, and State
Records

Create or amend a written directive establishing a framework for the destruction of records in accordance with legal mandates to include, at a minimum, the following:

- City records
- County records
- State records

Commentary

The following code sections apply specifically to the destruction of city, county, and state records:

- GC 34090 - 34090.7 (destruction of city records)
- GC 26205 - 26205.6 (destruction of county records)
- GC 14755 - 14756 (destruction of state records)

GUIDELINE 6.5
Marijuana Records
Destruction

Create or amend a written directive outlining the procedures to ensure timely destruction of marijuana records in compliance with legal mandates to include, at a minimum, the following:

- Adult records
- Juvenile records

Commentary

HS [11361.5\(a\)](#) addresses marijuana records destruction.

Arrest or conviction records of any person for violation of HS [11357 \(b\) \(c\), \(d\), \(e\)](#) or [11360\(b\)](#) must be destroyed. As of January 1, 2009, HS [11357\(b\)](#) is an infraction. Agencies should contact their legal advisor for direction regarding the mandatory destruction of these records.

Exception: HS [11357\(e\)](#) juvenile records must be retained until the juvenile reaches 18 years of age.

Refer to the *DOJ Records Retention and Destruction Manual*, available on [CLEW](#).

PURPOSE

The purpose of this section is to provide an overview into automated records systems and guidelines for reviewing and evaluating current and future technology needs.

For a more detailed guide to successful management, planning, and implementation of any technology project, refer to the *Law Enforcement Tech Guide* published by the Office of Community Oriented Policing Services of the U.S. Department of Justice.

Almost all public safety and allied agencies have some type of an automated records management system (RMS), which usually interfaces with a computer-aided dispatch (CAD) system. RMS typically refers to a computer program (or set of programs) used to track and store records, although some agencies may still be on a paper-based system. Mobile data computers (MDC) linking local CAD and RMS systems to each other, as well as to state and local databases, are easing the workload of communications system operators and speeding the flow of information directly to the field officer.

This chapter addresses:

- 7.1 Imaging
- 7.2 Live Scan/CAL-ID
- 7.3 Personnel, Training, and Capital Expenditure
- 7.4 Changes in Workflow and Procedures
- 7.5 Feasibility Study
- 7.6 Protecting Computer System Files & Resources

GUIDELINE 7.1
Imaging

Create or amend a written directive establishing that paper documents will be imaged, when possible, to integrate them into an RMS.

Commentary

Document imaging is the process of converting paper documents to digital images, which are then stored on a hard drive, CD, DVD, or other storage medium. Once information is entered into the imaging system, usually via a scanner, it is readily accessible for viewing or retrieval as needed and can eliminate the need for hard-copy paper distribution. Imaging can be designed to work with an existing RMS and/or CAD system. Imaging allows for safe and secure archiving of records.

GUIDELINE 7.2
Live Scan/Cal-ID

Create or amend a written directive requiring the use of Live Scan technology to transmit fingerprint records to DOJ.

Commentary

It is the intent of DOJ to require all fingerprints, applicant or criminal, to be transmitted to them electronically. Electronic fingerprinting ensures accurate fingerprints are taken of the subject. This method of reporting greatly reduces the response time to positively identify the subject, place the charges on the rap sheet, or to clear the prospective employee through a background process.

The California Identification System (CAL-ID) is the automated system maintained by DOJ for retaining fingerprint files and identifying latent fingerprints. The CAL-ID system analyzes fingerprints and identifies crime perpetrators from the millions of records stored in its databases. The California Live Scan system interfaces with CAL-ID.

GUIDELINE 7.3
Personnel, Training, and Capital Expenditure

Create or amend a written directive requiring assessment of personnel, training, and capital expenditure needs in relation to obtaining and maintaining an automated records system.

Commentary

Implementing and maintaining an automated records system requires staff trained in data entry, data quality control, and system development and maintenance. It is critical to include records personnel in planning, implementation, or expansion of technology systems. Additionally, legal requirements must be met by these systems.

Records supervisors usually oversee document analysis and data entry, direct quality control efforts, coordinate computer support, and ensure compliance with state-mandated reporting requirements. More sophisticated systems typically require increased supervisory and management resources. Agencies may find it necessary to hire technology experts for managing information systems.

All end users will require training in the use of a new system. Training users is the most important key to successful implementation of technology and automation. Resources and employee time should be allocated for system familiarization and start-up, and for periodic changes in formats, reporting requirements, and refresher training. Training should be included as part of the performance agreement in the contract negotiations.

Automating a records system requires a capital expenditure for hardware and software. Depending upon the size of an agency and the technology being purchased, the following factors should be considered during the planning stages:

- Major changes in work flow and procedures
- Specific technical training for all personnel
- Increases in physical space requirements to accommodate computer terminals
- Temperature-controlled rooms housing computer servers
- New staff with computer-specific technical skills

GUIDELINE 7.4
Changes in Workflow and Procedures

Create or amend a written directive to address changes in workflow and procedures when acquiring new technology. The directive should, at a minimum, include the routine review of the following to maximize the benefits of new technology:

- Policies
- Procedures
- Timetables
- Methods for processing documents and data

Commentary

When acquiring new technology, new policies and procedures should be written to effectively integrate the technology into the workplace and to safeguard the security of the information in the system by the use of passwords and access codes.

Law enforcement operations depend on reliable, accurate, complete, and timely information. An automated system, alone, cannot correct all of the problems and deficiencies of a poorly designed records management process. The workflow should be examined and streamlined, and duplicate or unnecessary processes should be eliminated. Automation of already efficient records management practices will provide more subtle changes by improving information flow, retrieval of documents, accuracy, and overall work flow. The successful system will allow existing staff to handle work increases more efficiently.

When adding or changing technology which involves connection to national and state databases, agencies must conform to the FBI security policies and DOJ CLETS Policies, Practices, and Procedures (available on [CLEW](#)). This includes all computer systems (e.g., message switching computers, CAD systems, RMS systems) and local/wide-area networks connected directly or indirectly to CLETS. Contact CLETS Administration for detailed information and coordination.

GUIDELINE 7.5
Feasibility Study

Create or amend a written directive requiring a feasibility study to be conducted when considering automation. The feasibility study process should include, at a minimum, the following:

- Form a Feasibility Study Group and Steering Committee
- Develop a feasibility study plan
- Build support for the project
- Select a systems analyst
- Define objectives of a desired information system
- Determine present system capabilities and resources
- Analyze needs
- Determine resource requirements
- Assess procurement options (if appropriate)
- Identify the desired system
- Prepare a report to the Steering Committee

Commentary

For automation to be successful, it cannot simply computerize existing, but weak, processes.

Before proceeding with a feasibility study on automation, an audit of an agency's current system and business practices should be completed and any deficiencies corrected. Some agencies assume, incorrectly, that automation is the only way to increase the accessibility, accuracy, and flow of information.

Steering Committee

To ensure executive staff participation, a Steering Committee should be established to review and comment on the products prepared by the Feasibility Study Group (FSG). The Steering Committee should consist of high-level managers and/or supervisors from within the agency. This group will ensure a structured project management process is adopted and followed. The Steering Committee provides constant guidance and oversight to the project, its progress, and deliverables. Based upon the recommendations of the FSG, the Steering Committee will make most decisions related to the project, and make final recommendations to the persons with the project purchasing authority.

Feasibility Study Group

An FSG, overseen by the project Steering Committee, should be established to determine what technology is needed and if the funding is available. It is very important this group include representatives of affected units and ranks within the agency. A typical study group for an RMS purchase may comprise the following:

- Chairperson (may be selected from group)
- Sworn managers representative
- Sworn supervisors representative
- Non-sworn supervisors representative
- Patrol representative
- Investigations representative
- Records representative
- Communications representative
- Systems analyst

Group members should be chosen for their interest in the project and their knowledge of resources, user information needs, problem areas, and constraints.

Development of a Feasibility Study Plan

The FSG will define the study and develop a basic plan for carrying out the project.

The plan should include:

- An outline of major steps to be followed in conducting the study
- A proposed time frame, including number of meetings planned per month
- A budget estimate of personnel costs and incidentals for the project

Building Support for the Study

Given the limited resources available for extensive studies and the potential cost of hardware and software, it is important to gain the early approval and cooperation of the city/county chief executive officer/administrator for the study project. Should the agency determine automation is an appropriate means to improve operations, the early support for the project ideas will prove beneficial to the agency. A two-pronged approach, using informal and formal lines of communication, should be considered to build support for the study.

Selection of a Systems Analyst

Once approval has been given to proceed with the feasibility study, a systems analyst should be selected.

The role of the systems analyst is to ensure a logical, comprehensive, and thorough plan is the basis for the needs analysis and system design. The analyst may be an agency employee or an outside consultant chosen on the basis of his/her ability to work with the FSG, communication skills, ability to generate ideas for system development, and knowledge of criminal justice records systems.

With preliminary planning for the feasibility study completed, the systems analyst and FSG should meet to assess, in concrete terms, the objectives of a good information system.

Determining Present System Capabilities and Resources

The FSG will determine the capability of the present system to deliver the type and quality of service desired.

System capabilities can be determined by:

- Utilizing questionnaires and/or conducting interviews with all end users
- Observing the system in use

The flow of paper and/or information from input to output should be traced and documented in detail. This process will allow the systems analyst to identify each step in the process and the cost of each function. Documents should be evaluated as to their content and utility. This review often reveals opportunities for simplification, consolidation, or elimination of some data being collected.

- Identifying which existing functions could be replaced

If implementation of a desired objective would eliminate all or part of an existing procedure, there will be an increase in system capabilities in proportion to the displaced service. For example, automating the UCR function eliminates the need for manual daily tallies and monthly recaps, and allows direct electronic transmission to state database terminals, thereby saving considerable clerical time, paper, and mailing costs. A report formerly taking six to eight hours to process by hand may take only five minutes with an automated system.

- Identifying which existing functions could be modified and made more effective
- Determining how existing resources can be better utilized; what additional resources are required to attain the stated objectives

- Determining which resource (e.g., lack of personnel, lack of equipment, etc.) is the major constraint in attaining each of the stated objectives
- Identifying legal processes mandated for automated systems

Determining Resource Requirements

The FSG will determine the resources required to achieve the desired objectives. These resources may include operating staff for the system, equipment, facilities, and supplies. Specific costs for resources will generally fall into two categories: variable costs and fixed costs.

Variable Costs

- **Staff**
The study should include an estimate of personnel requirements and related costs associated with operation of the system on a 24-hour basis, 7 day per week.
- **Supervision**
The need for supervision of both the system and staff should be determined.
- **Forms and Documents**
The cost for each specific application and additional costs for new objectives or modifications to current procedures should be determined.
- **Data Storage**
Costs may include file cabinet space, computer storage, or an integrated document imaging system to maintain information online.

Fixed Costs

- **Administration**
Administration includes management personnel time and related costs necessary to accomplish each objective. Included are the costs of specific operational personnel necessary for each task.
- **Training**
Training includes the cost of training staff on new procedures, forms, software, and hardware. If training will be required for several new applications, the cost of personnel time and training may be divided among them. This cost might be negotiated into the purchase contract.
- **Travel**
Travel includes the cost of off-site meetings and visits to other user agencies.
- **Office Equipment and Supplies**
This includes equipment and supplies for operations.

- Hardware and Software

This includes costs associated with procurement of data processing equipment and software.

- Terminals and Lines

This includes costs for installation and purchase/lease of work stations, printers, and/or communication lines.

- Contractual Expenses

This includes any contractual costs associated with the feasibility study, software modification or design, and system transfer or forms design, which will occur as the direct result of the implementation of any objective.

Three important costing concepts should be considered when assessing resource requirements:

- Cost Avoidance

Cost avoidance occurs when a new application or system results in enhanced productivity or efficiency without an increase in current personnel or equipment.

- Cost Displacement

Cost displacement occurs when a current expenditure for equipment, office space, or personnel will no longer be required as a result of implementing a new program or application.

- Value Added

Value added is defined as placement of a dollar value on less-tangible benefits typically associated with improvements in service delivery, crime analysis, forecasting, etc., which may occur as a result of a new application or system.

Determining System Objectives

The FSG will determine what tasks and processes the desired system will perform, and what benefits may be gained from its purchase.

Benefits may include:

- Increased productivity
- Decreased processing time
- Accelerated revenue streams
- Space savings (paperless)
- Increased service to the public

Other consideration should be given to:

- Identifying all users of the agency's information system
- Cataloging user needs and the various ways information is utilized (crime analysis, statistics, research, etc.)
- Utilizing email

- Improving workflow
- Identifying reporting requirements; management, supervision, etc.
- Identifying system back-up requirements
- Identifying hardware and environmental requirements
- Integrating with legacy system or conversion of legacy system data
- Identifying external constraints on the system (privacy and security regulations, purging requirements, etc.)

This process should result in a list of desired outcomes the information system should provide.

Vendor qualifications should be defined and a list of references obtained. Site visits can be arranged with agencies utilizing the same system under consideration to discuss the pros and cons of the automated system with the end users. (Financial assistance for such site visits may be available through the [POST Field Management Training](#) program.) These site visits can be more informative than the vendor's sales pitch. It is important to review the types of problems an agency has encountered since installation of an automated system, and to discuss the vendor's responsiveness in resolving any technical difficulties.

Ranking Objectives

The FSG should rank the objectives in order of priority on the basis of the agency's needs.

Needs can be grouped into four categories:

- **Required:** Federal, state, or local regulations require a new service or modification to an existing service, or offer automated submission of required reporting data.
- **Critical:** Inadequate procedures or lack of automation is a serious detriment to the efficient functioning of the agency.
- **Significant:** Development of a new or modification of an existing application would produce significant improvement in the agency's functional capabilities.
- **Desirable:** The availability of automation or modification of an existing service would result in an improvement, but lack of implementation would not seriously affect the agency's overall operation.

Assessing Procurement Options

The FSG will determine which services or equipment should be procured and the estimated costs involved.

The following areas should be considered when evaluating a system which will automate a process:

- **Capacity:** Will the system be large enough to handle projected workloads and will the system allow for expansion?
- **Access/performance:** Will the system serve the number of users adequately and does it retrieve or store documents as quickly as promised?

- Reliability: What components are likely to fail, how easily can they be replaced, and what will be the down time and the replacement costs?
- Support: Is there adequate after-sales support and prompt technical response available?

The acquisition of a computer system should begin with the identification of software systems meeting the needs of the agency. The most successful and efficient process identifies software first, and hardware second.

Custom-designed programs are costly and often have a longer start-up time and much higher cost than a packaged system. Maintenance of a custom system may run considerably higher because of the need to call technicians in to diagnose and repair system glitches or failures.

Once software has been identified as meeting the needs of the agency, it is appropriate to identify the hardware available to operate the software the agency may acquire. A consulting group can be of great assistance in determining the costs and advantages/disadvantages associated with acquiring a dedicated, shared, or leased system.

Reporting to Management

The FSG should prepare a complete report of the entire feasibility study for presentation to the Steering Committee who will review the presentation and make final recommendations to the agency administrator.

The report should include:

- Scope of the feasibility study
- A discussion of the needs assessment process and results
- Advantages and disadvantages of alternatives recommended
- Cost/benefit analysis
- Recommendation of the best system

The agency administrator should decide whether to accept the recommendation and proceed with the acquisition and implementation of a new system. Due to the complexity of the issues and potential costs involved, an oral presentation by the systems analyst, in the presence of the FSG, to the Steering Committee is recommended. This process will allow questions to be asked, further information to be obtained, and local/regional considerations to be reviewed.

Contract Negotiations

Agencies should follow their city/county/state procurement method when entering into contracts with vendors.

Often, a decision is made to accept open bids for the project, or in some cases a Request for Proposal (RFP) is extended for vendors to suggest the technology required to accomplish the automation. Regardless of the method used to attract vendors, the purchase of a new RMS will require negotiation of a detailed contract with the selected vendor.

Agencies should obtain every detail of the proposed project in writing. Considerations include:

- Vendor’s responsibilities to manage the project
- Type of equipment to be installed
- Conformance with state and federal regulations or standards
- Total cost of the installation
- Length of time to install the equipment
- Time required to convert hard-copy files and/or data files to the new system
- Set-up time to accomplish programming, testing, and debugging
- Security systems installed to protect sensitive documents
- Conditions for acceptance of the equipment by the agency
- Ongoing technical service and maintenance
- Term limit of upgrades and source code access
- Warranties on the equipment installed
- Training provided for system administrators and end users

An important component in a warranty agreement is to ensure the vendor has the ownership of the software installed. A thorough maintenance and training contract obtained from the vendor who installed the system will ensure the agency has ongoing technical support and maintenance to keep the system operating at full capacity.

GUIDELINE 7.6
**Protecting Computer
 System Files and
 Resources**

Create or amend a written directive to address protection of computer system files and resources. The directive should include, at a minimum, the following:

- Back-up procedures for critical systems
- An alternate secure location to store back-up media off site

Commentary

When transitioning from a manual system to an automated system, it is important to develop routine back-up procedures for RMS information.

Automated systems can fail for a variety of reasons, including:

- Power outages
- Hardware or software failures
- Natural disasters, such as earthquakes, floods, or fires
- Intentional sabotage of the system caused by viruses, network hacking, bootleg software, or denial-of-service attacks by a disgruntled employee or terrorist

Computer files should be backed up according to a regular schedule and comply with record retention laws or regulations. A regular check of passwords, access codes, and other security devices will maintain the integrity of the records system.

Back-up power generators should be tested and maintained as often as possible. Adequate fire detection and suppression equipment should be available. Temperature and humidity monitors should be in place and checked regularly.

While automation is the key to the future of law enforcement records management, a manual back-up procedure should be established which can be put into operation and allow the agency to continue to operate when any one of the above occurrences puts the automated system out of commission.

PURPOSE

Audits are conducted to identify any weaknesses in a system and to provide the information necessary to take corrective action.

This chapter addresses:

- 8.1 External Audits
- 8.2 Internal Audits

GUIDELINE 8.1 External Audits

Create or amend a written directive establishing procedures for complying with audits conducted by federal and state agencies in accordance with applicable laws to include, at a minimum, the following:

- NCIC/CJIS Audits
- DOJ CORI Audits
- FBI Audits

Commentary

The audit concept of quality control is one of the standards set by the National Advisory Commission on Criminal Justice Standards and Goals (Criminal Justice System, Police Information Systems, Standard 4.7 - Quality Control of Crime Data).

In addition to the following requirements, 42 United States Code [3771\(b\)](#) establishes a standard which is prescribed for records management and the establishment of maintenance standards for records.

NCIC/CJIS Audits and Monthly Validations

DOJ is required to audit each user agency to ensure compliance with CJIS and NCIC policies. Each agency, on a monthly basis, is required to validate entries made by the agency as being complete, accurate, and still active.

DOJ CORI Audits

[California Code of Regulations](#), Title II, Division 1, Chapter 7, Article 1, subsections 703(d) and 707(b) states the California Department of Justice shall conduct audits of authorized persons or agencies using CORI to ensure compliance with state regulations.

The Justice System Improvement Act (JSIA) regulations, [28 CFR, Section 20.1](#) et seq. (formally known as the Law Enforcement Assistance Administration [LEAA] Regulations) address standards for the quality of criminal history record information. JSIA regulation [28 CFR, Section 20.21\(a\), subsection 5](#), requires criminal justice agencies to institute a process of data collection, entry, storage, and systematic audit which will minimize the possibility of recording and storing inaccurate information.

FBI Audits

The FBI conducts security audits of several authorized agencies using CORI each year to ensure compliance with federal regulations. This is in addition to any California DOJ audit.

**GUIDELINE 8.2
Internal Audits**

Create or amend a written directive establishing an internal audit process to include, at a minimum, the following:

- Types of audits
- Who conducts audits and how often
- Audit process
- Written reporting process

Commentary

The audit process involves the random sampling of reports, files, or procedures beginning at the origin of the event and tracking the process to final disposition. The reports or processes are closely inspected to ensure completeness, accuracy, and reliability. The internal audit process provides valuable information for improved performance. Each agency should determine the auditing configuration best suited to its needs.

Types of Audits

There are several types of audits. Those which impact the criminal justice field include:

- Management Audit: Examination and evaluation of an agency's organizational structure, plans, policies, and systems
- Operational Audit: Examination and evaluation of the efficiency and effectiveness of the use of resources and the extent to which practices and procedures adhere to policies established by management
- Compliance Audit: Examination to determine if certain legal requirements have been met

Who Conducts Audits and How Often

An agency should designate the person(s) responsible for conducting audits. The audit should be conducted by a mid-level manager or supervisor.

Although there are no set time frames for conducting audits, best practices dictate audits be planned and scheduled on a periodic basis so all critical areas are covered within an established time period. Problem areas may require audits on a more frequent basis.

Audit Process

Several important areas of a law enforcement records system should receive routine audits/inspections. They include:

- Telephone/radio tapes
- Dispatch/complaint control cards or logs
- Crime/incident reports

- Filing systems
- Data reporting
- Forms design/control
- Records dissemination
- Physical records security
- Data-entry procedures
- Department manuals
- Financial records
- Personnel training
- Photocopying procedures
- Records retention
- Statistical record keeping
- Subpoena processes

The following questions should be considered when conducting the audit:

- Is there a valid need to perform the operation?
- Why is it performed?
- Why is it performed in a particular area?
- Why is it performed at a particular time?
- Why is it performed using a particular method?

Written Reporting Process

A report of the audit conclusions should be directed to the agency head with a copy provided to the Records Manager.

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| Audit | An official examination and verification of accounts and records. |
| CALEA | Commission on Accreditation for Law Enforcement Agencies, Inc. A nationally recognized accreditation body for law enforcement agencies (www.calea.org). |
| CARPOS | California Restraining and Protective Order System. A system used to upload protective order data through CLETS (formerly referred to as DVROS). |
| CLETS | California Law Enforcement Telecommunications System. A restricted network for official law enforcement purposes and the official business of any public agency. |
| CLEW | California Law Enforcement Website. A website maintained by the California Department of Justice containing DOJ Bulletins, forms, manuals, and other information related to CLETS. |
| Certificate of Rehabilitation | The process that a registrant goes through to get their registration requirement removed; this process involves the individual filing a petition with the court (refer to PC 1203.4 and CLEW Records Sealing section). |
| CORI | Criminal Offender Record Information. The automated criminal offender record maintained by the state or in the local agency Records Management System (RMS). |
| CORI Audits | An audit based on a printout of requests for state CORI made by an agency. |
| Complaint | An accusatory pleading in a court of law charging an individual with a public offense. |
| Destruction Resolution/ Ordinance | The document that identifies the types of records to be destroyed, approved by the governing body, with consent from the department head and the legal counsel of the city/county. |
| Exemptions | Information that can be withheld from release to the public as defined by legal statute and court decision. |
| FBI Audit | Criminal offender information audit similar to the CORI audit required by the California Department of Justice. |
| Forms Control | A system of centralized responsibility for the development, maintenance, numbering, revision, ordering, and supply of designated forms. |
| Juvenile Records | Those records pertaining to an individual under the age of 18. |
| NCIC/CJIS Monthly Validations | National Crime Information Center/Criminal Justice Information System. Required agency monthly validation of records placed into these databases. |

| | |
|--------------------------------|---|
| Personnel Files | Any application, information, memoranda, or internal investigation pertaining to an agency's present or past employees. |
| Primary Report System | System that begins with a call for service and results in action taken by the law enforcement agency and the documentation thereof. |
| Public Records | Any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency, regardless of physical form or characteristics. |
| Rap Sheet | Record of Arrest and Prosecution. A term commonly used to describe the State of California criminal history record. |
| Record Destruction | The permanent removal of the record and all reference to an individual. |
| Record Sealing | The collection of permanent records in a "package" that is ordered sealed by the court. |
| Subpoena Duces Tecum | A business process for obtaining records |
| T.N.G. Order | <p>A court decision describing two methods for the release of juvenile information to a third party by a law enforcement agency:</p> <ul style="list-style-type: none"> • Referring the third party to the juvenile court or probation • Releasing the information directly <p>Refer to WI 827s</p> |
| Uniform Crime Reporting | A nationwide view of crime based upon the submission of statistics by law enforcement agencies throughout the country |

Accreditation Commission on Accreditation for Law Enforcement Agencies (CALEA), Inc.
www.calea.org

Arrest and Dispositions

- Arrest and Disposition Instruction Manual
- Standards for Monthly Arrest and Citation Register (CA Department of Justice Dispositions)
- User Manual Specifications and JCPSS Reporting Standards
- E-CARS PLUS Electronic Crime and Arrests Reporting System Plus Manual

CA Department of Justice, California Law Enforcement Web ([CLEW](http://clew.doj.ca.gov))
<http://clew.doj.ca.gov>

Attorney General Opinions Printed volumes of Opinions of the Attorney General of California are published by Lexis Publishing and may be read in public libraries.

Legal opinions of the Attorney General issued since 1986 may be viewed and searched on the Department of Justice website.
<http://oag.ca.gov/opinions>

Audits *Assessing Completeness and Accuracy of Criminal History Record Systems: Audit Guide*, U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics (January 1992, NCJ-133651).
<http://bjs.gov/>

The Role of Auditing in Public Sector Governance, November 2006 (The Institute of Internal Auditors).
www.theiia.org

Associations ANSI – American National Standards Institute
<http://www.ansi.org/>

APCO International – The Association of Public Safety Communications Officials
<http://www.apco911.org/>

ARMA – ARMA International – Formerly the Association of Records Managers and Administrators
<http://www.arma.org/>

CCJWSA – California Criminal Justice Warrant Services Association
<http://ccjwsa.org/>

CLEARs – California Law Enforcement Association of Record Supervisors
<http://clears.org/>

IALEP – International Association of Law Enforcement Planners
<http://www.ialep.org>

Automation / Technology

Automated Information Sharing: Does It Help Law Enforcement Officers Work Better? (NIJ Journal No. 253 • January 2006)

<http://www.nij.gov/journals/welcome.htm>

Law Enforcement Tech Guide, U.S. Department of Justice, Office of Community Oriented Policing Services (2002)

<http://www.cops.usdoj.gov/Publications/lawenforcementtechguide.pdf>

Publications Available through the SEARCH Group, Inc., Website:

Project Management Tools

http://www.search.org/files/pdf/IssueBrief_11_FreePMTools.pdf

The Accidental Project Manager

http://www.search.org/files/pdf/IssueBrief_8_AccidentalPM.pdf

Social Media to Market and Promote Public Safety Projects

http://www.search.org/files/pdf/IssueBrief_12_SocMedia.pdf

Interoperability

http://www.search.org/files/pdf/IssueBrief_7_InteropSOPs.pdf

How to Plan, Purchase, and Manage Technology

<http://www.search.org/files/pdf/TECHGUIDE.pdf>

Tech Guide for Small Agencies

<http://search.org/files/pdf/SmallRuralTechGuide.pdf>

Information and Technology Security

<http://search.org/files/pdf/ITSecTechGuide.pdf>

Creating Performance Measures That Work

<http://search.org/files/pdf/PMTechGuide.pdf>

A Guide for Applying Information Technology in Law Enforcement – National Law Enforcement and Corrections Technology Center

http://www.it.ojp.gov/procurement/files/Applying_IT.pdf

Information Systems Technology Enhancement Project (ISTEP)

http://www.cops.usdoj.gov/publications/e07032016_web.pdf

Law Enforcement Technology 2015

<http://futuresworkinggroup.cos.ucf.edu/docs/Volume%202/vol2HealCowper&Olli.pdf>

Law Enforcement Technology Needs Assessment

<http://www.policeforum.org/library/technology/Lockheed%20Martin%20Report%20Final%203-16-2009.pdf>

Technology Grants

<http://technology-grants.com/page/law-enforcement>

**Automation / Technology
(cont)**

Tips for Ensuring Successful Technology Implementation
<http://ric-zai-inc.com/Publications/cops-w0207-pub.pdf>

FBI Security Policy 5.2
<http://www.fbi.gov/about-us/cjis/cjis-security-policy-resource-center/view>

Trustworthy Electronic Document or Record Preservation (CA Secretary of State)
<http://www.sos.ca.gov/admin/regulations/tech/trustworthy-electronic-doc-or-record-preservation.htm>

AIIM ARP1-2009 Analysis, Selection, and Implementation of Electronic Document Management Systems
<http://www.aiim.org/documents/standards/ARP1-2009.pdf>

Citations *Notice to Appear and Related Forms (2013)*, Judicial Council of California
<http://www.courts.ca.gov/documents/trinst.pdf>

Notice of Correction and Proof of Service
<http://www.courts.ca.gov/forms.htm>

Criminal Statistics Reporting

Criminal Statistics Reporting Requirements (2006), California Department of Justice
<http://oag.ca.gov/sites/all/files/pdfs/cjsc/rptreq.pdf>

DOJ Directory

Directory of Services – California Department of Justice (2005)
<http://oag.ca.gov/sites/all/files/pdfs/publications/directory2005.pdf>

Fingerprinting/ Registrants

- *Guidelines for Submitting Applicant Live Scan Transactions*
- *Guidelines for Agencies Receiving CORI*
- *Guidelines for Submitting Criminal Live Scan Transactions*
- *DOJ Applicant Fingerprint Clearance Manual*

CA Department of Justice, CLEW Client Services Program, Live Scan Support - Downloads and Manuals
<http://clew.doj.ca.gov>

Forms (State)

California Department of Justice forms: California Law Enforcement Web (CLEW)
<http://clew.doj.ca.gov>

California Courts forms
<http://www.courts.ca.gov/forms.htm>

California Department of Motor Vehicles forms
<http://www.dmv.ca.gov/forms/forms.htm>

Inmate Records

California Code of Regulations, Title 15, Chapter 1, Subchapter 4, sections 3260-3379
http://www.cdcr.ca.gov/Regulations/Adult_Operations/docs/Title15-2013.pdf

Missing Persons

POST *Missing Persons Investigations, Guidelines & Curriculum*
<http://lib.post.ca.gov/Publications/missing.pdf>

Periodicals *California Police Recorder*, California Law Enforcement Association of Records Supervisors, Inc., P.O. Box 3106, Lompoc, CA 93438
<http://www.clears.org/>

Information Management Magazine, AMRA International, 11880 College Blvd., Suite 450, Overland Park, KS 66210
<http://content.arma.org/imm/online/informationmanagement.aspx>

Law Enforcement Technology Magazine, Officer.com, 1233 Janesville Ave., Fort Atkinson, WI 53538
<http://www.officer.com>

POST The Commission on Peace Officer Standards and Training (POST) website contains information on POST services and a host of other topics.
<http://www.post.ca.gov/>

The POST Library is an excellent resource for research assistance and information.
<http://www.post.ca.gov/post-library.aspx>

The POST Course Catalog contains a complete listing of all POST-approved courses.
<http://catalog.post.ca.gov/Default.aspx>

POST Records Supervisor Certificate information is also available on the POST website.
<http://www.post.ca.gov/records-supervisor-certificate.aspx>

Property *Professional Standards (2012)*, International Association for Property and Evidence, Inc.
<http://www.iape.org/certStandards.html>

Law Enforcement Evidence & Property Management Guide (2013), California Commission on Peace Officer Standards and Training (POST)
<http://lib.post.ca.gov/Publications/Evidence-Property%20Management%20Guide.pdf>

Law Enforcement Evidence & Property Function Agency Self-Evaluation, California Commission on Peace Officer Standards and Training (POST)
<http://lib.post.ca.gov/Publications/evidence-property-self-evaluation-extended.pdf>

California Firearms Laws, CA Department of Justice – Bureau of Firearms
<http://oag.ca.gov/firearms/forms>

Assault Weapons Identification Guide, CA Department of Justice – Bureau of Firearms
<http://oag.ca.gov/firearms/forms>

Firearms Prohibiting Categories and List of Prohibiting Misdemeanors, CA Department of Justice – Bureau of Firearms
<http://oag.ca.gov/firearms/forms>

Public Records Act *The People's Business: A Guide to the California Public Records Act*
<https://www.cacities.org/UploadedFiles/LeagueInternet/62/62f84af4-13c5-4667-8a29-261907aea6d6.pdf>

Records Management *Local Government Records Management Guidelines (2006)*, California Secretary of State <http://www.sos.ca.gov/archives/local-gov-program/pdf/records-management-8.pdf>

Use and Management of Criminal History Record Information: A Comprehensive Report (2001 Update), The National Consortium for Justice Information and Statistics (SEARCH) (NCJ 187670) <http://www.search.org/>

Records Security *Use and Management of Criminal History Record Information: A comprehensive Report (2001 Update)*, U.S. Department of Justice, Bureau of Justice Statistics <http://bjs.gov/content/pub/pdf/umchri01.pdf>

Technical Report No. 13: Standards for the Security and Privacy of Criminal History Record Information, Third Ed. (The National Consortium for Justice Information and Statistics – SEARCH, revised July 1988) <http://www.search.org/files/pdf/TechnicalReport13-SEARCH.pdf>

Technical Bulletin–Digital Signatures: The Key to Information Technology Security (1998), The National Consortium for Justice Information and Statistics (SEARCH) <http://www.search.org/>

Registrants State of California, Attorney General’s Office (Megan’s Law) www.ag.ca.gov

California Law Enforcement Web <http://clew.doj.ca.gov>

Guide to Sex, Narcotic, and Arson Registration Procedures <http://clew.doj.ca.gov>

SEARCH Group, Inc. The primary objective of the National Consortium for Justice Information and Statistics (SEARCH) is to identify and help solve the information management and information sharing challenges of public safety agencies. There are accessible, useful best practices, standards, and models for information sharing available on their website. <http://www.search.org>

Space Planning *IACP Police Facility Planning Guidelines: A Desk Reference for Law Enforcement Executives*, International Association of Chiefs of Police <http://www.theiacp.org/Portals/0/pdfs/Publications/ACF2F3D.pdf>

Telecommunications

- *California Law Enforcement Telecommunications System Operating Manual*
- *CJIS Manual*
- *CLETS - Policies, Practices, Procedures* (and statutes)

CA Department of Justice, California Law Enforcement Web (CLEW) <http://clew.doj.ca.gov>

Temporary Restraining Orders

Guidelines for Law Enforcement Response to Domestic Violence, California Commission on Peace Officer Standards and Training (POST)

http://lib.post.ca.gov/Publications/domestic-violence-manual_wv.pdf

Training POST-Certified Records Training

Basic Records Course
Contra Costa Criminal Justice Training Center
340 Marina Boulevard
Pittsburg, CA 94565
(925) 427-8238
www.cocoacademy.org

Rio Hondo Regional Training Center
3600 Workman Mill Road
Whittier, CA 90601
(562) 463-7756
www.riohondo.edu/

San Diego Regional Training Center
6155 Cornerstone Court E #130
San Diego, CA 92121
(858) 550-0040
www.sdrtc.org

Records Supervisor Course*
Contra Costa Criminal Justice Training Center
340 Marina Boulevard
Pittsburg, CA 94565
(925) 427-8238
www.cocoacademy.org

Rio Hondo Regional Training Center
3600 Workman Mill Road
Whittier, CA 90601
(562) 463-7756
www.riohondo.edu/

San Diego Regional Training Center
6155 Cornerstone Court E #130
San Diego, CA 92121
(858) 550-0040
www.sdrtc.org

**Training
(cont)** Public Records Act*
California Peace Officers' Association
555 Capitol Mall, Suite 1495
Sacramento, CA 95814
(916) 263-0541
www.cpoa.org

*Successful completion of this course is required to be eligible for award of a POST Records Supervisor Certificate

Additional records training is offered through:

California Law Enforcement Association of Records Supervisors (CLEARS)
www.clears.org

California CLETS Users Group (CCUG)
www.ccug.org

California Criminal Justice Warrant Services Association (CCJWSA)
www.ccjwsa.org

California Division of the International Association for Identification (IAI)
www.theiai.org

- Vehicles**
- DMV Manual for CLETS
 - DMV Law Enforcement Resource Guide
 - DMV Information Search for Law Enforcement Only
 - DMV Bulletins and Publications Transactions

CA Department of Justice, California Law Enforcement Web (CLEW)
<http://clew.doj.ca.gov>

For ease of use, legal references are depicted on the following pages in two ways:

- By Code/Section
- By Topic

Case law decisions are not included in the POST *Law Enforcement Records Management Guide* because of the fluidity of the law and the difficulty of maintaining current reference materials. POST recommends agencies refer legal interpretations and case law decision research to their legal counsel in order to obtain a current legal opinion.

CATEGORY TABLE

The following is an alphabetical reference of legal codes pertinent to the law enforcement records function. Agencies should confirm the accuracy and applicability of statutes within these codes when they are referenced within written policies. Use this list as a reference to abbreviations used for statutes cited within this Guide.

| STATUTE | ABBREVIATION |
|--------------------------------|--------------|
| Business and Professions Code | BP |
| Civil Code | CC |
| California Code of Regulations | CCR |
| Code of Civil Procedure | CP |
| Code of Federal Regulations | CFR |
| Education Code | EDC |
| Evidence Code | EVC |
| Family Code | FAC |
| Financial Code | FC |
| Government Code | GC |
| Health and Safety Code | HS |
| Penal Code | PC |
| United States Code | USC |
| Vehicle Code | VC |
| Welfare and Institutions Code | WI |

LEGAL REFERENCE (By Code / Section)

| | |
|--|--|
| CODE OF FEDERAL REGULATIONS | <u>28 CFR 20.1</u> <i>Audits</i> Justice System Improvement Act; need for CORI audits |
| UNITED STATES CODE | <u>20 USC § 1092(f)</u> <i>Campus Statistics</i> Clery Act |
| CALIFORNIA CONSTITUTION | California Constitution, Article I, Section 28(b) (<u>Marsy's Law</u>) <i>Information Release</i> Copies of protected documents to Board of Control |
| CALIFORNIA CODE OF REGULATIONS | California Code of Regulations, Title II, Division 1, Chapter 7, Article 1, subsections <u>703(d) - 707(b)</u> <i>Audits</i> Established requirement for DOJ audit of CORI dissemination |
| BUSINESS & PROFESSIONS CODE | <p><u>6054</u> <i>Information Release</i> Cooperation; assistance with State Bar</p> <p><u>21625 - 28</u> <i>Licensing</i> Secondhand dealer licensing requirements/reporting</p> <p><u>21634</u> <i>Reports</i> Stolen non-serialized property report to DOJ</p> <p><u>24202</u> <i>Premise Violations</i> Requirement to report arrest to ABC</p> |
| CIVIL CODE | <p><u>1798.32 - .44</u> <i>Information Release</i> Right of inquiry inspection of personal information</p> <p><u>1798.53</u> <i>Information Release</i> Intentional disclosure; civil action</p> |
| CODE OF CIVIL PROCEDURE | <p><u>128</u> <i>Subpoenas</i> Powers of court; compliance with subpoena</p> <p><u>129</u> <i>Photographs</i> Restricts release of photographs of deceased persons</p> <p><u>1985 - 1987</u> <i>Subpoenas</i> Defines subpoena and affidavit requirements</p> <p><u>2002 - 2015</u> <i>Subpoenas</i> Defines manner of production, mode of testimony, and affidavits offered as testimony</p> <p><u>2016 - 2036</u> <i>Subpoenas</i> Discovery</p> <p><u>2020.10 - 2020.510</u> <i>Subpoenas</i> Nonparty discovery</p> <p><u>2023</u> <i>Subpoenas</i> Procedure for a subpoena regarding deposition of witness within this state in foreign actions</p> <p><u>2024</u> <i>Subpoenas</i> Deposition of witness for an out-of-state witness in actions within this state</p> |
| EDUCATION CODE | <p><u>10911.5</u> <i>Records Check</i> Public recreation employees; fingerprinting</p> <p><u>35021.1</u> <i>Records Check</i> Automated records check volunteer aids/sex offenses; conviction</p> <p><u>35254</u> <i>Records Sealing/Destruction</i> Destruction of school district records; microfilming</p> <p><u>44237</u> <i>School Employees</i> Bar from employment for sex/narcotics offenses</p> |

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|----------------------------------|--------------|--|--|
| EDUCATION CODE (cont) | <u>45123</u> | <i>School Employees</i> | Bar from employment for sex/narcotics offenses |
| | <u>45124</u> | <i>School Employees</i> | Bar from employment; sexual psychopath |
| | <u>45125</u> | <i>School Employees, Records Check</i> | Requirement for fingerprints/state criminal history check |
| | <u>45126</u> | <i>School Employees</i> | Duty of DOJ to furnish information |
| | <u>88022</u> | <i>School Employees</i> | Bar from employment for sex/narcotics offenses; community colleges |
| | <u>88023</u> | <i>School Employees</i> | Bar from employment; sexual psychopath; community colleges |
| | <u>88024</u> | <i>School Employees, Records Check</i> | Requirements for fingerprints/state criminal history check; community colleges |
| | <u>88025</u> | <i>School Employees</i> | Duty of DOJ to furnish information; community colleges |

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|----------------------|-------------------|----------------------------|--|
| EVIDENCE CODE | <u>250 - 260</u> | <i>Information Release</i> | Definitions; writings; original; duplicate |
| | <u>1040</u> | <i>Information Release</i> | Privilege/conditions for refusal to disclose information |
| | <u>1043</u> | <i>Pitchess Motions</i> | Establishes guidelines for discovery/disclosure of peace officer records |
| | <u>1270</u> | <i>Information Release</i> | Defines government as business |
| | <u>1271</u> | <i>Information Release</i> | Admissible writings and exceptions to hearsay rule |
| | <u>1506</u> | <i>Information Release</i> | Copy of public writing |
| | <u>1507</u> | <i>Information Release</i> | Copy of recorded writing |
| | <u>1508</u> | <i>Information Release</i> | Other secondary evidence of writings |
| | <u>1509</u> | <i>Information Release</i> | Voluminous writings |
| | <u>1530 -1532</u> | <i>Information Release</i> | Official writings |
| | <u>1560</u> | <i>Subpoenas</i> | Compliance with subpoena duces tecum for business records |
| | <u>1561</u> | <i>Subpoenas</i> | Affidavit accompanying records |
| | <u>1562</u> | <i>Subpoenas</i> | Admissibility of affidavit and copy of records |
| | <u>1563</u> | <i>Subpoenas</i> | Witness fees and mileage |
| | <u>1564</u> | <i>Subpoenas</i> | Personal attendance of custodian and production of original records |
| | <u>1565</u> | <i>Subpoenas</i> | Service of more than one subpoena duces tecum |

| | | | |
|--------------------|-------------|---------------------------|------------------------------------|
| FAMILY CODE | <u>6345</u> | <i>Restraining Orders</i> | Restraining order expiration dates |
|--------------------|-------------|---------------------------|------------------------------------|

FINANCIAL CODE 777.5 *Information Release* Release of information to banks for employment
6525 *Information Release* Release of information to financial assistants for employment
14409.2 *Information Release* Release of information to credit unions for employment
21208 *Reports* Pawn/buy reports to DOJ

GOVERNMENT CODE 6200 - 01 *Information Release* Penalty for theft, destruction, etc., of public records
6250 - 70 *Information Release* Public Records Act B defines and regulates release of public records
6252 *Information Release* Definitions under Public Records Act
6253 *Information Release* Public records open to inspection; time; guidelines and regulations governing procedures
6254 - 6254.5 *Information Release* Exemptions of particular records from disclosure
6255 *Information Release* Justification for withholding of records
6258 - 59 *Information Release* Public recourse for failure to provide information requested
6260 *Information Release* Effect of prior rights and proceedings
6262 - 65 *Information Release* Disclosure to district attorney
6275 - 77 *Information Release* Exemptions to California Public Records Act
12525 *Reports* Death-in-custody reporting
13951 *Information Release* Definitions (victim, injury, crime)
14755 - 56 *Records Sealing/Destruction* Destruction of state records; authority
15150 - 67 *CLETS* Establishes California Law Enforcement Telecommunications System
26201 - 02 *Records Sealing/Destruction* Destruction of county records; authority
26205 *Records Sealing/Destruction* Destruction of certain records; conditions
27491 *Information Release* Coroner's records
34090 - 90.5 *Records Sealing/Destruction* Destruction of city records; authority
34090.6 *Records Sealing/Destruction* Destruction of communication tapes; authority
34090.7 *Records Sealing/Destruction* Destruction of duplicate records less than two years old
54985 - 87 *Information Release* Fees
68093 - 97 *Subpoenas* Witness fees

HEALTH AND SAFETY CODE 1522(a) *Information Release* Access to CORI by Department of Social Services

1522.06 *Information Release* Providing CORI obtained by CLETS to a county child welfare agency

11357(e) *Marijuana* Juvenile possession on school grounds

11361 - 61.5 *Marijuana* Purge requirements

11361.7 *Marijuana* Accuracy, timeliness and completeness of destruction; application

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